

BOARD OF SUPERVISORS

MINUTES

June 23, 2004

Supervisors in Attendance:

Mr. Kelly E. Miller, Chairman
Mr. Edward B. Barber, Vice Chrm.
Mrs. Renny B. Humphrey
Mr. R. M. "Dickie" King, Jr.
Mr. Arthur S. Warren

Mr. Lane B. Ramsey
County Administrator

Staff in Attendance:

Colonel Carl R. Baker,
Police Department
Mr. George Braunstein,
Exec. Dir., Community
Services Board
Mr. Craig Bryant, Dir.,
Utilities
Ms. Marilyn Cole, Asst.
County Administrator
Ms. Mary Ann Curtin, Dir.,
Intergovtl. Relations
Ms. Rebecca Dickson, Dir.,
Budget and Management
Mr. William Dupler,
Building Official
Ms. Lisa Elko, CMC
Clerk
Chief Stephen A. Elswick,
Fire Department
Mr. Lawrence C. Haake, III
Registrar
Mr. Russell Harris, Mgr.
of Community Development
Services
Mr. Joseph Horbal,
Commissioner of Revenue
Mr. Thomas E. Jacobson,
Dir. of Revitalization
Mr. Rob Key, Asst. Dir.,
General Services
Ms. Kathryn Kitchen, Asst.
Supt. of Schools for
Business and Finance
Ms. Louis Lassiter, Dir.,
Internal Audit
Ms. Mary Lou Lyle, Dir.,
Accounting
Ms. Mary Martin, Asst.
Dir., Human Resource
Management
Mr. R. John McCracken,
Dir., Transportation
Mr. Richard M. McElfish,
Dir., Env. Engineering
Mr. Steven L. Micas,
County Attorney
Dr. William Nelson,
Dir., Health Dept.
Mr. Glen Peterson, Dir.,
Community Diversion
Incentive Program
Ms. Chris Ruth, Asst.
Dir., Public Affairs

Mr. Dean Sasek, Asst.
Right of Way Manager
Ms. Sarah Snead, Dir.,
Social Services
Mr. James J. L. Stegmaier,
Deputy Co. Admin.,
Management Services
Mr. M. D. Stith, Jr.,
Deputy Co. Admin.,
Community Development
Mr. Thomas Taylor, Dir.,
Block Grant Office
Mr. Kirkland A. Turner,
Director of Planning
Sheriff Clarence Williams,
Sheriff's Department

Mr. Miller called the regularly scheduled meeting to order at 3:16 p.m.

1. APPROVAL OF MINUTES FOR MAY 26, 2004

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board approved the minutes of May 26, 2004, as submitted.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

2. COUNTY ADMINISTRATOR'S COMMENTS

2.A. CAPITAL REGION AIRPORT COMMISSION PRESENTATION

Mr. Ramsey introduced Mr. John Mazza, Jr., Chairman of the Capital Region Airport Commission, to make a presentation.

Mr. Mazza, accompanied by Mr. Troy Bell, Marketing Director at Richmond International Airport, presented plaques to Mr. Barber and Mrs. Humphrey in appreciation of their dedicated service on the Capital Region Airport Commission.

Mr. Barber stated he is proud to have contributed to the progress at the airport and sees great things happening there.

Mrs. Humphrey expressed appreciation for the recognition and commended the Richmond International Airport for proactively planning for security issues.

2.B. DIVERSITY INTERNSHIP PROGRAM

Mr. Ramsey stated this is the 16th year for the Diversity Internship Program and there are 11 interns participating. He recognized the participants who came forward and introduced themselves. He also recognized Ms. Tasha Owens who is coordinating this year's program.

2.C. LUCY CORR FOUNDATION PRESENTATION

Ms. Krista Ratliff, Director of Community Resources at Lucy Corr Village provided an overview of services provided at Lucy Corr. She requested the Board's support of and attendance at the upcoming 5 K Run/Walk *Festival for all Ages*, which will benefit Lucy Corr Village.

Mr. Miller announced that the Board will hold an extended work session on Friday and Saturday, June 25-26, 2004 at Virginia State University regarding growth management issues in the county. He also announced that a report has been received from the Blue Ribbon Committee established by the Board to study issues related to businesses in the county. He stated, as Chairman, he has directed staff to thoroughly review the committee's report and has also requested that both Mr. King and Mr. Barber be involved in this process and that a report be presented to the Board relative to areas that need improvement.

3. BOARD COMMITTEE REPORTS

Mrs. Humphrey stated she has been elected as Chairman of the Crater Planning District Commission for a second term, indicating that Crater has been very involved in the base realignment and closure preservation process of Fort Lee and Defense Supply Center Richmond. She requested that Mr. Ramsey prepare an inventory of Chesterfield's historical sites to assist the Crater region in preparing for the 2007 celebration. She stated she held constituents' meetings on June 17th and 21st relative to the Committee on the Future's green infrastructure project.

Mr. Miller stated Richmond Regional Planning District Commission recently recommended that Amelia County become a member of the region and is awaiting formal state approval of the admission. He further stated he believes the addition of Amelia will be helpful to Chesterfield County because of common interests shared.

4. REQUESTS TO POSTPONE ACTION, ADDITIONS, OR CHANGES IN THE ORDER OF PRESENTATION

On motion of Mr. King, seconded by Mr. Barber, the Board added Item 8., Adoption on an Emergency Basis of an Amendment to the Transient Occupancy Tax Ordinance and Scheduling of Public Hearing to Re-Adopt the Ordinance; replaced Item 8.B.2.d., Adoption of Resolutions Recognizing Brian James McDaniel and Ira David Elias Upon Attaining Rank of Eagle Scout; replaced Item 8.B.10.e., Set Date for Public Hearing to Consider Amending the County's Emergency Response Cost Recovery Ordinance to Allow the County to Recover Additional Costs and to Permit Restitution; added Item 8.B.15.b., Acceptance of a Parcel of Land Along the South Right of Way Line of Centralia Road from Custis Montagu Cline, Michael Castle Cline and Anne Fitzhugh Cline; added Item 8.B.18., Conveyance of Easement to Virginia Electric and Power Company for Overhead and Underground Cable for the Hull Street Road Widening Project; added Item 8.B.19., Acceptance and Appropriation of Virginia Department of Aviation Grant Funds for Expanding the Airport Security System; added Item

8.B.20., Authorization for County Administrator to Accept Assignment of Option Agreements for Eighty Acres on Old Hundred Road and Genito Road and Authorization for Staff to Initiate Application for Substantial Accord for Use of the Property as a High School Site; replaced Item 14.C., Resolutions Recognizing Boy Scouts Upon Attaining the Rank of Eagle Scout; added Item 10.C., Closed Session Pursuant to Section 2.2-3711(a)(7), Code of Virginia, 1950, as Amended, for Consultation with Legal Counsel Pertaining to Probable Litigation Involving the Chesapeake Bay Local Assistance Board; and adopted the Agenda, as amended.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

5. RESOLUTIONS AND SPECIAL RECOGNITIONS

5.A. RECOGNIZING MS. LORRAINE WADDILL FOR HER SERVICE ON THE JOHN TYLER COMMUNITY COLLEGE BOARD

Mr. Stegmaier introduced Ms. Lorraine Waddill who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, John Tyler Community College is a respected and important component of Chesterfield County's higher education resources; and

WHEREAS, the John Tyler Community College Board provides guidance for the institution's progress and the life of the college; and

WHEREAS, Ms. Lorraine Waddill served as a member of the board for eight years; and

WHEREAS, Ms. Waddill was vice-chair from 2002-2004, during which time the college opened its new Midlothian campus; and

WHEREAS, from 2002 until the present, Ms. Waddill has served as chair of the board; and

WHEREAS, during her tenure on the board, Ms. Waddill has wholeheartedly worked for the betterment of John Tyler Community College; and

WHEREAS, Ms. Waddill has worked on behalf of the college in many venues and with many groups, including with the Virginia General Assembly; and

WHEREAS, Ms. Waddill helped to prepare the college for a number of major issues regarding legislative matters; and

WHEREAS, Ms. Waddill's term on the board will end on June 30, 2004; and

WHEREAS, it is fitting for this Board of Supervisors to appropriately recognize the outstanding contributions of Ms. Lorraine Waddill.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 23rd day of June 2004, hereby extends its appreciation to Ms. Lorraine Waddill for her dedicated service to the John Tyler Community College Board, thanks her for her many contributions to the college and to the community it calls home, and wishes her continued success in all her endeavors.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Mr. King presented the executed resolution to Ms. Waddill, accompanied by Dr. Marshall Smith, President of John Tyler Community College, and expressed appreciation for her valuable service on the John Tyler Community College Board.

Ms. Waddill stated it has been an honor to serve both John Tyler Community College and Chesterfield County.

Dr. Smith expressed appreciation to Ms. Waddill for her outstanding service.

5.B. RECOGNIZING LIEUTENANT COLONEL DENNIS MCDONALD, POLICE DEPARTMENT, UPON HIS RETIREMENT

Colonel Baker introduced Lieutenant Colonel Dennis McDonald who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, Lieutenant Colonel Dennis G. McDonald will retire from the Chesterfield County Police Department on July 1, 2004, after providing 27 years of quality service to the citizens of Chesterfield County; and

WHEREAS, Lieutenant Colonel McDonald has faithfully served the county in the capacity of Patrol Officer, Investigator, Sergeant, Lieutenant, Captain, Major and Lieutenant Colonel; and

WHEREAS, Lieutenant Colonel McDonald was one of two officers who presented the Police Department with its current Field Training Program and implemented the Field Training Manual; and for seven years, he instructed and certified all Field Training Officers in the department; and

WHEREAS, Lieutenant Colonel McDonald founded the Hostage Negotiation Team and served as its first team leader from 1983 through 1987; and

WHEREAS, the Hostage Negotiation Team has successfully resolved many high risk situations involving armed barricaded individuals, attempted suicides and hostage incidents, limiting the risk of injury to the citizens of Chesterfield County and the members of the Chesterfield County Police Department; and

WHEREAS, during his command of the Uniform Operations Bureau, Lieutenant Colonel McDonald oversaw the operations of the bureau during the apprehension and successful prosecution of the assailant for the rape and murder of ten-year-old Charity Powers; and

WHEREAS, for the past eight years, Lieutenant Colonel McDonald has served as Deputy Chief of Operations, and in this role, has overseen criminal investigations and uniform operations within the Police Department; and

WHEREAS, Lieutenant Colonel McDonald has received numerous letters of thanks and appreciation for service rendered from the citizens of Chesterfield County; and

WHEREAS, Lieutenant Colonel McDonald has provided the Chesterfield County Police Department with many years of loyal and dedicated service; and

WHEREAS, Chesterfield County and the Board of Supervisors will miss Lieutenant Colonel McDonald's diligent service.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 23rd day of June 2004, publicly recognizes Lieutenant Colonel Dennis G. McDonald, and extends on behalf of its members and the citizens of Chesterfield County, appreciation for his service to the county, congratulations upon his retirement, and best wishes for a long and happy retirement.

AND, BE IT FURTHER RESOLVED, that a copy of this resolution be presented to Lieutenant Colonel McDonald, and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Mr. Miller presented the executed resolution and a Jefferson Cup to Lieutenant Colonel McDonald, accompanied by his wife and Colonel Baker, expressed appreciation for his dedicated service to the county, and wished him well in his future endeavors.

Lieutenant Colonel McDonald stated the Chesterfield County Police Department is one of the finest organizations in the country. He expressed appreciation to the Board for the recognition and also to his wife for her support.

A standing ovation followed.

5.C. RECOGNIZING MR. WILLIAM POOLE, PLANNING DEPARTMENT, UPON HIS RETIREMENT

Mr. Jacobson introduced Mr. William Poole who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, Mr. William D. Poole is a pioneer in the development of an effective planning program for Chesterfield County; and

WHEREAS, Mr. Poole started working for the county in 1973 as a senior planner when the county had a population of 92,000 residents; and

WHEREAS, Mr. Poole, after five years of service in an adjacent jurisdiction, returned in 1983 as Chief of Development Review and eventually, Assistant Director for Development Review in the Planning Department; and

WHEREAS, Mr. Poole, in 1986 and 1987, led the preparation and adoption of the county's first landscaping and development standards for the Route 10 and Route 360 corridors; and

WHEREAS, Mr. Poole directed staff and the Jefferson Davis Corridor community representatives in the preparation of specific design standards to facilitate corridor development; and

WHEREAS, Mr. Poole, working with the leadership of Chester Village, prepared zoning standards to create a small town character for the Village of Chester; and

WHEREAS, Mr. Poole implemented numerous total quality improvements to development review processes, automation and customer service; and

WHEREAS, Mr. Poole led many improvements to the county's system of notifying citizens of development, subdivision, site plan and building permit review processes and also was responsible for numerous zoning ordinance updates and improvements; and

WHEREAS, Mr. Poole participated in the preparation and implementation of Chesterfield County's modern zoning ordinance guiding quality development; and

WHEREAS, Mr. Poole always applied an ethical and fair-minded approach to development issues; and

WHEREAS, Mr. Poole has given generously of his time to serve the community through work with Chesterfield Alternatives and Habitat for Humanity.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 23rd day of June 2004, publicly recognizes Mr. William D. Poole, accompanied by his wife, Mr. Stith and Mr. Jacobson, and extends on behalf of its members and the citizens of Chesterfield County, appreciation for his service to the county, congratulations upon his retirement, and best wishes for a long and happy retirement.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Mr. Miller presented the executed resolution and a Jefferson Cup to Mr. Poole, expressed appreciation for his dedicated service to the county, and wished him well in his retirement.

Mr. Poole stated it has been a privilege and a pleasure to work for Chesterfield County.

Mr. Stith stated Mr. Poole will be missed in the Planning Department.

**5.D. RECOGNIZING DEPUTY SHERIFF BARRY MONEYMAKER FOR HIS
SERVICE TO THE BOARD OF SUPERVISORS**

Sheriff Williams introduced Deputy Barry Moneymaker who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, Deputy Joseph Barry Moneymaker was appointed by Sheriff Clarence G. Williams, Jr. in 1996 to provide security for the meetings of the Chesterfield County Board of Supervisors; and

WHEREAS, since that time Deputy Moneymaker has performed his duties effectively and efficiently, in that during his tenure no incident occurred that put the life of any Board member, or that of any citizen appearing before the Board in danger, nor did any incident occur that resulted in the suspension of its proceedings; and

WHEREAS, Deputy Moneymaker performed his duties in such a manner as to ensure a safe and secure environment for the Board and the citizens of Chesterfield County to conduct its business; and

WHEREAS, Deputy Moneymaker has performed his duties in such a way as to reflect favorably upon the Sheriff's Office, and in a way as to earn the trust of the citizens of Chesterfield County who are entitled to have a safe and controlled environment in which to present their business before the Board of Supervisors.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 23rd day of June 2004, publicly recognizes the contributions of Deputy Joseph Barry Moneymaker, expresses the appreciation of all citizens for his service to Chesterfield County, extends their appreciation for his service to the county, as well as their best wishes in his continued service with the Chesterfield Sheriff's Office.

AND, BE IT FURTHER RESOLVED, that a copy of this resolution be presented to Deputy Moneymaker and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Mr. Miller presented the executed resolution to Deputy Moneymaker, accompanied by Sheriff Williams, expressed appreciation for his dedicated service to the Board, and wished him continued success in the Sheriff's Office.

Deputy Moneymaker expressed appreciation to the Board for the recognition and also to county staff and others for making his job truly enjoyable.

6. WORK SESSION

O REVIEW 2004 GENERAL ASSEMBLY LEGISLATION

Mr. Micas provided the Board with a summary of 2004 General Assembly legislation requiring Board action.

Discussion ensued regarding the legislation relative to shielding of inoperable motor vehicles.

Ms. Curtin stated the legislation was adopted primarily for automobile restorers.

Mr. Barber expressed concerns that the legislation will restrict the county's ability to deal with unsightly vehicles.

Mr. Miller excused himself from the meeting.

Mr. Micas then reviewed optional legislation permitting Board action, indicating that staff recommends the Board schedule public hearings to consider each of the three optional legislative issues. He then reviewed additional legislative items that staff recommends be considered during the FY2006 budget process. He stated staff recommends that no action be taken on the legislative item relative to restricting the use of pneumatic guns based on recommendations from the Police Department.

Mr. Barber stated he has had complaints about the use of BB guns and air rifles in residential areas and does not want to dismiss the idea of holding a public hearing on the issue of regulating and restricting pneumatic guns.

Mrs. Humphrey stated she concurs that a public hearing should be held relative to regulating and restricting pneumatic guns.

Mr. Barber made a motion, seconded by Mrs. Humphrey, for the Board to approve staff's recommendations with the inclusion of holding a public hearing on the issue of regulating and restricting pneumatic guns.

Mr. Barber called for a vote on his motion, seconded by Mrs. Humphrey, for the Board to approve staff's recommendation to set public hearing dates for legislative items relative to the county's DUI fee ordinance; suspending payments for assessment district homeowners 65 or older in Englewood Sewer Assessment District; the courtroom security fee ordinance; and regulating and restricting the use of pneumatic guns in the county.

And, further, the Board referred to the Planning Commission the legislative items relative to notice requirements for proposed zoning and comprehensive plan amendment public hearings; cable TV and public service corporation easements; and removal of non-conforming business signs.

And, further, the Board referred the legislative item relative to political campaign signs on private property to the Planning Department to review, and if changes are necessary to the county's current sign ordinance, forward

them to the Planning Commission for a public hearing and recommendation to the Board.

And, further, the Board directed staff to prepare an ordinance amendment for the legislative item relative to the definition of inoperable vehicles for the Board's consideration at a public hearing.

And, further, the Board directed staff to study the following legislative items and report to the Board as part of the FY2006 budget process: exemption of vehicles used by members and auxiliary members of volunteer fire departments and rescue squads from personal property taxation; exemption of churches from the county's consumer utility taxes; raising the qualifying income, financial worth and acreage maximums for the county's real estate tax relief program for the elderly and disabled; exemption from personal property taxation, or setting a lower tax rate on, trailers primarily used by farmers to transport animals or farm products; and use of grant funds to help county, school board and constitutional officer employees purchase residences in the county.

And, further, the Board directed staff to prepare the rules required for operation of the county's emergency alert and warning systems and bring them back to the Board in January 2005.

And, further, the Board directed staff to refer the legislative item relative to "rental inspection districts" to the county's Director of Revitalization and the Building Official for review and recommendation to the Board.

Ayes: Barber, Humphrey, King and Warren.
Nays: None.
Absent: Miller.

7. DEFERRED ITEMS

There were no deferred items at this time.

8. NEW BUSINESS

o ADOPTION ON AN EMERGENCY BASIS OF AN AMENDMENT TO THE TRANSIENT OCCUPANCY TAX ORDINANCE AND SCHEDULING OF PUBLIC HEARING TO RE-ADOPT THE ORDINANCE

Mr. Micas stated recent audits have determined that the county ordinance and state code appears to allow the assessment of the transient occupancy tax against both the lodging room and rental of banquet and meeting room space in hotels. He further stated Board members have indicated it is not their intention to apply that tax to meeting room space and have requested that the ordinance be amended to exclude the tax as it relates to meeting space other than rooms themselves.

Mrs. Humphrey inquired about the potential loss of revenue if tax on the meeting room space is eliminated.

Mr. Ramsey stated the tax is not currently being levied on meeting room space; therefore, it is not considered a loss of revenue.

Mr. King stated he met with Mr. George Peyton of the Retail Merchants Association regarding the language of the transient occupancy tax ordinance. He further stated it was determined that the intent of the ordinance did not include taxing of meeting room space. He expressed appreciation to staff for their efforts to quickly address this issue.

On motion of Mr. King, seconded by Mrs. Humphrey, the Board adopted the following ordinance on an emergency basis:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY
OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING
AND RE-ENACTING SECTIONS 9-151 AND 9-152 RELATING TO
TRANSIENT OCCUPANCY TAX

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Sections 9-151 and 9-152 of the Code of the County of Chesterfield, 1997, as amended, are amended and re-enacted to read as follows:

Sec. 9-151. Definitions.

o o o

Transient: Any person who, for a period of less than 30 consecutive days, either at his own expense or at another's expense, obtains lodging at any hotel, as defined in this section.

Sec. 9-152. Imposed amount.

Pursuant to the provisions of Code of Virginia, §§ 58.1-3819 and 58.1-3823, there is hereby imposed on each and every transient a lodging tax in the amount of eight percent of the total amount paid for room rental for lodging by such transient to any hotel; however, this tax shall not apply to rooms rented for lodging for continuous occupancy by the same individual or group for 30 days or more.

(2) That this ordinance shall become effective immediately upon adoption.

And, further, the Board set the date of July 28, 2004 at 7:00 p.m. for a public hearing to consider re-adoption of the ordinance.

Ayes: Barber, Humphrey, King and Warren.
Nays: None.
Absent: Miller.

8.A. APPOINTMENTS

On motion of Mrs. Humphrey, seconded by Mr. King, the Board suspended its rules at this time to allow for simultaneous nomination/appointment/reappointment of members to serve on the John Tyler Community College Local Board, Industrial Development Authority, Senior Connections Board, Richmond Metropolitan Convention and Visitors Bureau, Board of

Building Code Appeals, Social Services Board, Community Criminal Justice Board, and Citizens Transportation Advisory Committee.

Ayes: Barber, Humphrey, King and Warren.
Nays: None.
Absent: Miller.

8.A.1. JOHN TYLER COMMUNITY COLLEGE LOCAL BOARD

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board simultaneously nominated/appointed Mr. Larry Elliott to serve on the John Tyler Community College Local Board, representing the county at-large, whose term is effective July 1, 2004 and expires June 28, 2008.

Ayes: Barber, Humphrey, King and Warren.
Nays: None.
Absent: Barber.

8.A.2. INDUSTRIAL DEVELOPMENT AUTHORITY

On motion of Mrs. Humphrey, seconded by Mr. King, the Board simultaneously nominated/reappointed Mr. John W. Hughes, representing the Clover Hill District, and Mr. Willie Lanier, representing the Midlothian District, to serve on the Industrial Development Authority, whose terms are effective July 1, 2004 and expire June 30, 2008.

Ayes: Barber, Humphrey, King and Warren.
Nays: None.
Absent: Miller.

8.A.3. SENIOR CONNECTIONS BOARD

On motion of Mrs. Humphrey, seconded by Mr. King, the Board simultaneously nominated/reappointed Mr. Bradford Hammer to serve on the Senior Connections Board, whose term is effective July 1, 2004 and expires June 30, 2007.

Ayes: Barber, Humphrey, King and Warren.
Nays: None.
Absent: Miller.

8.A.4. RICHMOND METROPOLITAN CONVENTION AND VISITORS BUREAU

On motion of Mr. King, seconded by Mrs. Humphrey, the Board simultaneously nominated/reappointed Mr. Walter Heyer, representing the county at-large, to serve on the Richmond Metropolitan Convention and Visitors Bureau, whose term is effective July 1, 2004 and expires June 30, 2006.

Ayes: Barber, Humphrey, King and Warren.
Nays: None.
Absent: Miller.

8.A.5. BOARD OF BUILDING CODE APPEALS

On motion of Mrs. Humphrey, seconded by Mr. King, the Board simultaneously nominated/reappointed Mr. Robert W. Andrus, Mr. William G. Fields, Mr. Timothy D. Grider, Mr. Lonnie Miller, Mr. James D. Snowa, Mr. Steven Applegate and Mr. Robert Foster, to serve on the Board of Building Code Appeals, whose terms are effective July 1, 2004 and expire June 30, 2007.

Ayes: Barber, Humphrey, King and Warren.
Nays: None.
Absent: Miller.

8.A.6. SOCIAL SERVICES BOARD

On motion of Mrs. Humphrey, seconded by Mr. King, the Board simultaneously nominated/appointed Ms. Mary "Liz" Welchons, representing the county at-large, to serve on the Chesterfield/Colonial Heights Social Services Board, whose term is effective July 1, 2004 and expires June 30, 2008.

Ayes: Barber, Humphrey, King and Warren.
Nays: None.
Absent: Miller.

8.A.7. COMMUNITY CRIMINAL JUSTICE BOARD

After brief discussion, on motion of Mr. King, seconded by Mrs. Humphrey, the Board simultaneously nominated/appointed/reappointed the following members to serve on the Community Criminal Justice Board, whose terms are effective July 1, 2004 and expire June 30, 2006: The Honorable Frederick G. Rockwell, III, The Honorable Thomas L. Murphey, Mr. William W. Davenport, Mr. Raeford Walker, Mr. James Brown, Ms. Laura Kuchinsky, Ms. Eileen Brown, Mr. Richard Schurman, Sheriff Wave B. Tench, and Colonel Carl Baker.

Ayes: Barber, Humphrey, King and Warren.
Nays: None.
Absent: Miller.

8.A.8. CITIZENS TRANSPORTATION ADVISORY COMMITTEE

On motion of Mr. King, seconded by Mrs. Humphrey, the Board simultaneously nominated/appointed/reappointed Mr. Herbert Richwine and Ms. Alison L. Bartel, representing the county at-large, and Mr. Brent Schneider, alternate member, to serve on the Citizens Transportation Advisory Committee, whose terms are effective July 1, 2004 and expire June 30, 2006.

Ayes: Barber, Humphrey, King and Warren.
Nays: None.
Absent: Miller.

Mr. Miller returned to the meeting.

8.B. CONSENT ITEMS

8.B.1. APPROVAL OF FY2004 SCHOOL BOARD OPERATING FUND YEAR-END REVISIONS

On motion of Mrs. Humphrey, seconded by Mr. King, the Board reserved the necessary funds (approximately \$1,195,000) for re-appropriation in FY2005 in various accounts; increased appropriations in the School Operating Fund by \$414,000 by decreasing Instruction \$2,800,000, decreasing Administration/Attendance and Health \$586,000, decreasing debt service \$200,000, increasing Pupil Transportation \$1,900,000 and increasing Operations and Maintenance \$2,100,000; and increased Instruction appropriation in the Grants fund by \$85,000.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

8.B.2. ADOPTION OF RESOLUTIONS

8.B.2.a. RECOGNIZING MR. WILLIAM R. RICE, INFORMATION SYSTEMS TECHNOLOGY DEPARTMENT, UPON HIS RETIREMENT

On motion of Mrs. Humphrey, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, Mr. William R. Rice will retire from the Chesterfield County Information Systems Technology (IST) Department on July 1, 2004; and

WHEREAS, Mr. Rice began his public service to the citizens of Chesterfield County on January 24, 1983 with the Data Processing Department and has faithfully served the county for 21 years, holding positions including computer room supervisor and operations technical analyst; and

WHEREAS, Mr. Rice was instrumental in the implementation of several mainframe computer systems, which enhanced computer services, and provided endless support and assistance to IST staff and customers; and

WHEREAS, Mr. Rice was a key participant in various other projects including the Personal Property System, Utility Billing System (CUBIS), HR/Payroll System (Integral), Police RMS Systems, ZEKE Scheduling System, Online Report Viewing, and the 911 CADS; and

WHEREAS, Mr. Rice has received numerous recognitions including a First Choice Award for his efforts with the Computer Room Redesign Project, numerous Celebrating Success awards which include the conversion of the OS/390 Operating System to be Y2K compliant, the Car Tax Relief Project and many others; and

WHEREAS, Mr. Rice was selected as IST's Exceptional Employee of the Year for 1988; and

WHEREAS, Mr. Rice served as a member of the Health and Safety Goal Team, Technology Standards Team and Quality Assurance Committee; and

WHEREAS, Mr. Rice has received many letters of commendation and appreciation for his performance and dedication to his duties; his energy and commitment have been above and beyond; and he has proved to be an exceptional representative of our organization; and

WHEREAS, Mr. Rice has provided the Chesterfield County Information Systems Technology Department with many years of loyal and dedicated service, and there is no doubt that his past achievements will be spoken of for some time to come and that the admiration for Mr. Rice's accomplishments is felt by all of us within the IST department; and

WHEREAS, Mr. Rice has continuously provided excellent customer service and dedication to the IST department and the citizens of Chesterfield County.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors recognizes the contributions of Mr. William R. Rice, expresses the appreciation of all residents for his service to the county, and extends appreciation for his dedicated service and congratulations upon his retirement.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.2.b. RECOGNIZING MS. MARY PARKER, FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT, UPON HER RETIREMENT

On motion of Mrs. Humphrey, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, Fire and Life Safety Educator Mary Parker retired from the Chesterfield Fire and Emergency Medical Services Department on June 1, 2004; and

WHEREAS, Ms. Parker has faithfully served the county for over twenty-two years in various assignments; including the License Inspector's Office, the County Administrator's Office and Chesterfield Fire and Emergency Medical Services Fire and Life Safety Division; and

WHEREAS, Ms. Parker dedicated herself to become a registered Emergency Medical Technician, a TQI University Graduate, a Certified Peer Mediator, a Fire Educator Conference Workshop Instructor, a Contract Instructor for the National Fire Academy and a State Adjunct Instructor; and

WHEREAS, Ms. Parker attained numerous certifications from the Virginia Department of Emergency Management, National Emergency Training Center, National Fire Academy and Emergency Management Institute during her career including, Disaster and Recovery Management, Fire and Life Safety Course Development and Design, Instructional Delivery and Juvenile Fire Setter Intervention; and

WHEREAS, Ms. Parker has worked as a committee member on TRIAD, Children at Risk Today, Chairperson of Safe and Sober Youth, State Public Educators and Human Relations Committee; and

WHEREAS, Ms. Parker worked as a dependable employee for over twenty-two years assisting residents during tornados, ice storms, hurricanes and other disasters.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors recognizes the contributions of Fire and Life Safety Educator Mary Parker, expresses the appreciation of all residents for her service to the county, and extends appreciation for her dedicated service and congratulations upon her retirement.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.2.c. RECOGNIZING MRS. JUDITH A. CHILDRESS, DEPARTMENT OF SOCIAL SERVICES, UPON HER RETIREMENT

On motion of Mrs. Humphrey, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, Mrs. Judith A. Childress will retire from the Department of Social Services on July 2, 2004; and

WHEREAS, Mrs. Childress began her first tenure of public service with the county as a Clerical Supervisor in the Department of Social Services June 28, 1982 through June 1, 1983 and began her second tenure with the county on November 15, 1985; and

WHEREAS, Mrs. Childress coordinated the timely and accurate payment for services to our customers as Supervisor of the Financial Statistical Unit, and as Supervisor of the Customer Service Unit she ensured that citizens were treated with dignity and respect and that inquiries were appropriately handled; and

WHEREAS, Mrs. Childress successfully completed the requirements for graduation from the county's Supervisory Leadership Institute; and

WHEREAS, Mrs. Childress represented the Department of Social Services for the Local Government and Schools United Way Campaign by serving as United Way Coordinator; and

WHEREAS, Mrs. Childress played an integral role in the initial Strategic Planning efforts of the department, serving a two-year term as Goal Champion for the Agency goal "Providing Exceptional Communication Between Internal and External Customers," and was instrumental in the development of the customer service feedback cards; and

WHEREAS, Mrs. Childress completed the required courses and graduated from the Total Quality Improvement University; and

WHEREAS, Mrs. Childress served as a member of the Statewide Social Services Organization, Partnership of Office Services Support Employees in Social Services (POSSESS), and participated on the Planning Committee for the Spring 2003 Conference; and

WHEREAS, throughout her career at the Department of Social Services Mrs. Childress has served the most vulnerable citizens of Chesterfield County and the City of Colonial Heights; and

WHEREAS, Mrs. Childress has been a dedicated and loyal advocate for her staff and for the citizens of Chesterfield County and the City of Colonial Heights.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors recognizes the outstanding contributions of Mrs. Judith A. Childress, expresses the appreciation of all residents for her service to the county and its congratulations upon her retirement, as well as best wishes for a long and happy retirement.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.2.d. RECOGNIZING BRIAN JAMES MCDANIEL AND IRA DAVID ELIAS UPON ATTAINING RANK OF EAGLE SCOUT

On motion of Mrs. Humphrey, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910, and was chartered by Congress in 1916; and

WHEREAS, the Boy Scouts of America was founded to build character, provide citizenship training and promote physical fitness; and

WHEREAS, after earning at least twenty-one merit badges in a wide variety of skills including leadership, service and outdoor life, serving in a leadership position in a troop, carrying out a service project beneficial to his community, being active in the troop, demonstrating Scout spirit, and living up to the Scout Oath and Law; and

WHEREAS, Mr. Brian James McDaniel, Troop 837, sponsored by Chester Baptist Church, has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout, which is earned by only four percent of those individuals entering the Scouting movement; and

WHEREAS, growing through his experiences in Scouting, learning the lessons of responsible citizenship, and endeavoring to prepare himself for a role as a leader in society, Brian has distinguished himself as a member of a new generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors recognizes Mr. Brian James McDaniel, extends congratulations on his attainment of Eagle Scout, and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

And, further, the Board adopted the following resolution:

WHEREAS, the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910, and was chartered by Congress in 1916; and

WHEREAS, the Boy Scouts of America was founded to build character, provide citizenship training and promote physical fitness; and

WHEREAS, after earning at least twenty-one merit badges in a wide variety of skills including leadership, service and outdoor life, serving in a leadership position in a troop, carrying out a service project beneficial to his community, being active in the troop, demonstrating Scout spirit, and living up to the Scout Oath and Law; and

WHEREAS, Mr. Ira David Elias, Troop 835, sponsored by Hopewell United Methodist Church, has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout, which is earned by only four percent of those individuals entering the Scouting movement; and

WHEREAS, growing through his experiences in Scouting, learning the lessons of responsible citizenship, and endeavoring to prepare himself for a role as a leader in society, David has distinguished himself as a member of a new generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 23rd day of June 2004, recognizes Mr. Ira David Elias, extends congratulations on his attainment of Eagle Scout, and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.2.e. RECOGNIZING MR. KEN VAN AUKEN FOR HIS COMMUNITY SPIRIT

On motion of Mrs. Humphrey, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, Chesterfield County enjoys the lowest crime rate in the Metropolitan Richmond area; and

WHEREAS, the Chesterfield County Chief of Police frequently credits the strong partnership between the Police Department and our county's residents for helping to keep Chesterfield County safe; and

WHEREAS, residents who take an active role in the security of their neighborhoods deserve the gratitude of their neighbors and of this Board of Supervisors; and

WHEREAS, Mr. Ken Van Auken is a resident of the Bexley community; and

WHEREAS, Mr. Van Auken graduated from the U. S. Military Academy at West Point, and served his country honorably; and

WHEREAS, Mr. Van Auken retired from the U. S. Army as a Colonel; and

WHEREAS, Mr. Van Auken has been a member of the Bexley Neighborhood Watch program for the past seven years; and

WHEREAS, Mr. Van Auken was one of the first graduates of Chesterfield County's Citizens Police Academy; and

WHEREAS, Mr. Van Auken was also a member of Bexley's Welcome Committee; and

WHEREAS, Mr. Van Auken distinguished himself by his selfless service both to his nation and to his community; and

WHEREAS, it is fitting for this Board of Supervisors to appropriately recognize the outstanding contributions of Mr. Ken Van Auken.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors extends its appreciation to Mr. Ken Van Auken for his civic-minded spirit, thanks him for his many years of work on behalf of the community, Chesterfield County and his country, and wishes him and his wife, Virginia, much happiness and fulfillment as they leave the Bexley community.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.2.f. RECOGNIZING MR. RAYMOND L. MISEGADES, UTILITIES DEPARTMENT, UPON HIS RETIREMENT

On motion of Mrs. Humphrey, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, Mr. Raymond L. Misegades began his public service with Chesterfield County as a water plant operator trainee in the Utilities Department on August 29, 1981, and has faithfully served the county for twenty-two years; and

WHEREAS, after transferring to the water quality laboratory in 1984, Mr. Misegades became instrumental in responding to dramatic increases in work assignments resulting from community growth and increased public water supply monitoring requirements; and

WHEREAS, Mr. Misegades demonstrated exemplary commitment to his work and service to the citizens of Chesterfield County with his caring and effective handling of customer requests, his consistently reliable response to off-duty emergencies and his precise and dependable analytical work; and

WHEREAS, Mr. Misegades will forever have the admiration of his coworkers as a kind and good colleague whose support, companionship and ever-ready assistance brought unity and pride to the workplace; and

WHEREAS, Mr. Misegades has demonstrated his loyalty to Chesterfield County through his participation in numerous civic activities that enhanced the quality of life in Chesterfield County for everyone.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 23rd day of June 2004, recognizes Mr. Raymond L. Misegades for his outstanding contributions, expresses the appreciation of all residents for his service to the county, and extends appreciation for his dedicated service, congratulations upon his retirement, their best wishes for a long and happy retirement.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.3. REQUESTS FOR MUSIC/ENTERTAINMENT FESTIVAL PERMITS

8.B.3.a. TO THE OPTIMIST CLUB FOR THE ENON SHRIMP FESTIVAL TO BE HELD ON JUNE 26, 2004

On motion of Mrs. Humphrey, seconded by Mr. King, the Board approved a request from the Optimist Club of Enon for a music/entertainment festival permit for the Shrimp Festival to be held June 26, 2004.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.3.b. TO THE CHESTERFIELD COUNTY FAIR ASSOCIATION FOR THE ANNUAL CHESTERFIELD COUNTY FAIR

On motion of Mrs. Humphrey, seconded by Mr. King, the Board approved a request from the Chesterfield County Fair Association for a music/entertainment festival for the annual Chesterfield County Fair, subject to compliance with staff recommendations.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.4. TRANSFER OF DISTRICT IMPROVEMENT FUNDS

8.B.4.a. FROM THE BERMUDA, CLOVER HILL, DALE, MATOACA AND MIDLOTHIAN DISTRICT IMPROVEMENT FUNDS TO THE EPPINGTON FOUNDATION TO COVER COSTS ASSOCIATED WITH THE COLONIAL HERITAGE FAIR

On motion of Mrs. Humphrey, seconded by Mr. King, the Board transferred \$300 each from the Midlothian, Matoaca, Dale, Bermuda and Clover Hill District Improvement Funds (\$1,500 total) to the Eppington Foundation to cover costs associated with the Colonial Heritage Fair.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.4.b. FROM THE MATOACA DISTRICT IMPROVEMENT FUND TO THE YMCA INDIAN GUIDES, HOPI TRIBE (MATTAPONI NATION) TO RECONSTRUCT THE CHAPEL RETAINING WALL AT CAMP THUNDERBIRD

On motion of Mrs. Humphrey, seconded by Mr. King, the Board transferred \$2,000 from the Matoaca District Improvement Fund

to the YMCA Indian Guides, Hopi Tribe (Mattaponi Nation) to reconstruct the chapel retaining wall at Camp Thunderbird.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.4.c. FROM THE DALE DISTRICT IMPROVEMENT FUND TO THE SCHOOL BOARD TO PURCHASE BAND UNIFORMS FOR MEADOWBROOK HIGH SCHOOL

On motion of Mrs. Humphrey, seconded by Mr. King, the Board transferred \$3,000 from the Dale District Improvement Fund to the School Board to purchase band uniforms for Meadowbrook High School.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.5. APPROPRIATION OF DONATIONS FOR THE FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT TO UPGRADE THE PURCHASE OF A PUMPER FROM AN ENFORCER TO A QUANTUM AND ENHANCE THE SMOKE DETECTOR AND JUNIOR SAFETY CAMP PROGRAMS

On motion of Mrs. Humphrey, seconded by Mr. King, the Board appropriated \$45,061 in donations for the Fire Emergency Services Department to upgrade the purchase of a pumper from Enforcer to a Quantum and enhance the Smoke Detector and Junior Safety Camp Programs.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.6. AWARD OF CONSTRUCTION CONTRACT TO INTERSTATE CONSTRUCTION COMPANY FOR THE GREENFIELD DRAINAGE PROJECT

On motion of Mrs. Humphrey, seconded by Mr. King, the Board awarded a construction contract for the Greenfield Drainage Project to Interstate Construction Company in the amount of \$390,930; transferred \$210,000 from the Miscellaneous Drainage account for this project; and authorized the County Administrator to execute the necessary documents.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.7. CONSIDERATION TO ALLOCATE FUNDS FROM THE UTILITY INDUCEMENT FUND TO PAY FOR RELOCATING AND EXTENDING EXISTING PUBLIC WATER AND WASTEWATER LINES TO ACCOMMODATE FOR THE DEVELOPMENT OF MEADOWVILLE TECHNOLOGY PARK ALONG RELOCATED MEADOWVILLE ROAD

On motion of Mrs. Humphrey, seconded by Mr. King, the Board approved the use and transfer of Utility Inducement Funds in an amount not to exceed \$394,000 to cover the relocation and extension of an existing 24-inch public water line and use for public wastewater construction on the industrial property along relocated Meadowville Technology Park, and waived the requirement to post a performance bond and the requirement

that the county's share of the total cost does not exceed 75 percent.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

8.B.8. AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE THE SPECIAL SERVICE AGREEMENT WITH THE CENTRAL VIRGINIA WASTE MANAGEMENT AUTHORITY (CVWMA) FOR RECYCLING USED LEAD-ACID BATTERIES AT THE COUNTY TRANSFER STATIONS

On motion of Mrs. Humphrey, seconded by Mr. King, the Board authorized the County Administrator to sign the Special Project Service Agreement with the Central Virginia Waste Management Authority (CVWMA) for recycling used lead-acid batteries at the county transfer stations through September 30, 2006. (It is noted a copy of the agreement is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

8.B.9. STATE ROAD ACCEPTANCE

On motion of Mrs. Humphrey, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: Addition

Basis for Change: Addition, New subdivision street

Statutory Reference: §33.1-229

Project: Montclair at Southbend, Section 1 (Remainder of)

● Mountshire Lane, State Route Number: 5706

From: Greyshire Dr., (Rt. 5571)

To: Mountshire Pl., (Rt. 5707) & Mountshire Tr., (Rt. 5708), a distance of: 0.26 miles.

Right-of-way record was filed on 11/30/2000 with the Office Of Clerk To Circuit Court in Pb.114; Pg. 56,

with a width of 50 Ft.

● **Mountshire Place, State Route Number: 5707**

From: Mountshire Ln., (Rt. 5706)

To: Cul-de-sac, a distance of: 0.04 miles.

Right-of-way record was filed on 11/30/2000 with the Office Of Clerk To Circuit Court in Pb.114; Pg. 56,

with a width of 50 Ft.

● **Mountshire Terrace, State Route Number: 5708**

From: Mountshire Ln., (Rt. 5706)

To: Cul-de-sac, a distance of: 0.10 miles.

Right-of-way record was filed on 11/30/2000 with the Office Of Clerk To Circuit Court in Pb.114; Pg. 56,

with a width of 50 Ft.

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Government Center Pkwy & Mimms Drive**

● **Government Center Parkway, State Route Number: 4796**

From: Lucy Corr Bl., (Rt. 4794)

To: 0.08 Mi. S of Lucy Corr Bl., (Rt. 4794), a distance of: 0.08 miles.

Right-of-way record was filed on 2/6/2004 with the Office Of Clerk To Circuit Court in Db.5592; Pg.748,

with a width of 140 Ft.

● **Government Center Parkway, State Route Number: 4796**

From: 0.08 Mi. S of Lucy Corr Bl., (Rt. 4794)

To: 0.15 Mi. S of Lucy Corr Bl., (Rt. 4794), a distance of: 0.07 miles.

Right-of-way record was filed on 2/6/2004 with the Office Of Clerk To Circuit Court in Db.5592; Pg.748,
with a width of variable

● **Government Center Parkway, State Route Number: 4796**

From: 0.15 Mi. S of Lucy Corr Bl., (Rt. 4794)

To: Mimms Dr., (Rt. 935) (Roundabout), a distance of: 0.22 miles.

Right-of-way record was filed on 2/6/2004 with the Office Of Clerk To Circuit Court in Db.5592; Pg.748,
with a width of variable

● **Mimms Drive, State Route Number: 935**

From: 0.13 Mi. E of Lori Rd., (Rt. 935)

To: Government Center Pky., (Rt. 4796), a distance of: 0.03 miles.

Right-of-way record was filed on 2/6/2004 with the Office Of Clerk To Circuit Court in Db.5592; Pg.748,
with a width of 80 Ft.

● **Mimms Drive (Roundabout), State Route Number: 935**

From: 0.16 Mi. E of Lori Rd., (Rt. 935)

To: 0.16 Mi. E of Lori Rd., (Rt. 935), a distance of: 0.08 miles.

Right-of-way record was filed on 2/6/2004 with the Office Of Clerk To Circuit Court in Db.5592; Pg.748,
with a width of Variable

● **Mimms Drive, State Route Number: 935**

From: 0.20 Mi. E of Lori Rd., (Rt. 935)

To: 0.25 Mi. E of Lori Rd., (Rt. 935), a distance of: 0.05 miles.

Right-of-way record was filed on 2/6/2004 with the Office Of Clerk To Circuit Court in Db.5592; Pg.748,
with a width of 80 Ft.

● **Mimms Drive, State Route Number: 935**

From: 0.25 Mi. E of Lori Rd., (Rt. 935)

To: Krause Rd., (Rt. 903), a distance of: 0.05 miles.

Right-of-way record was filed on 2/6/2004 with the Office Of Clerk To Circuit Court in Db.5592; Pg.748,
with a width of 50 Ft.

And, further the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: Addition

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Woodland Pond, Section 13**

● **Taylor Landing Place, State Route Number: 5728**

From: Taylor Landing Wy., (Rt. 5727)

To: Cul-de-sac, a distance of: 0.06 miles.

Right-of-way record was filed on 10/16/2001 with the Office Of Clerk To Circuit Court in Pb.121; Pg.30,
with a width of 50 Ft.

● **Taylor Landing Way, State Route Number: 5727**

From: Woodland Pond Pky., (Rt. 3670)

To: Taylor Landing Pl., (Rt. 5728), a distance of: 0.07 miles.

Right-of-way record was filed on 10/16/2001 with the Office Of Clerk To Circuit Court in Pb.121; Pg.30,
with a width of 50 Ft.

● **Taylor Landing Way, State Route Number: 5727**

From: Taylor Landing Pl., (Rt. 5728)

To: Cul-de-sac, a distance of: 0.20 miles.

Right-of-way record was filed on 10/16/2001 with the Office Of Clerk To Circuit Court in Pb.121; Pg.30,
with a width of 50 Ft.

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Woodland Pond, Section 14**

● **Banff Court, State Route Number: 5731**

From: Park Branch Ln., (Rt. 5729)

To: Cul-de-sac, a distance of: 0.11 miles.

Right-of-way record was filed on 7/11/2002 with the Office Of Clerk To Circuit Court in Pb.127; Pg. 66,
with a width of 50 Ft.

● **Banff Terrace, State Route Number: 5732**

From: Park Branch Ln., (Rt. 5729)

To: Cul-de-sac, a distance of: 0.13 miles.

Right-of-way record was filed on 7/11/2002 with the Office Of Clerk To Circuit Court in Pb.127; Pg. 66,
with a width of 50 Ft.

● **Park Branch Court, State Route Number: 5730**

From: Park Branch Ln., (Rt. 5729)

To: Cul-de-sac, a distance of: 0.09 miles.

Right-of-way record was filed on 7/11/2002 with the Office Of Clerk To Circuit Court in Pb.127; Pg. 66,
with a width of 50 Ft.

● **Park Branch Lane, State Route Number: 5729**

From: Woodland Pond Pky., (Rt. 3670)

To: Intersection Banff Tr., (Rt. 5732) & Banff Ct., (Rt. 5731), a distance of: 0.16 miles.

Right-of-way record was filed on 7/11/2002 with the Office Of Clerk To Circuit Court in Pb.127; Pg. 66,
with a width of 50 Ft.

● **Park Branch Lane, State Route Number: 5729**

From: Intersection Banff Tr., (Rt. 5732) & Banff Ct., (Rt. 5731)

To: Park Branch Ct., (Rt. 5730), a distance of: 0.28 miles.

Right-of-way record was filed on 7/11/2002 with the Office Of Clerk To Circuit Court in Pb.127; Pg. 66,
with a width of 50 Ft.

● **Park Branch Lane, State Route Number: 5729**

From: Park Branch Ct., (Rt. 5730)

To: Cul-de-sac, a distance of: 0.07 miles.

Right-of-way record was filed on 7/11/2002 with the Office Of Clerk To Circuit Court in Pb.127; Pg. 66,

with a width of 50 Ft.

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: Addition

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Bayhill Pointe, Section 14**

● **Hollow Oak Court, State Route Number: 5719**

From: Hollow Oak Rd., (Rt. 5720)

To: Cul-de-sac, a distance of: 0.09 miles.

Right-of-way record was filed on 6/25/2003 with the Office Of Clerk To Circuit Court in Pb.134 Pg.49, with

a width of 44 Ft.

● **Hollow Oak Drive, State Route Number: 5597**

From: 0.05 Mi. S of Sugar Hill Dr., (Rt. 5593)

To: Hollow Oak Rd., (Rt. 5720), a distance of: 0.17 miles.

Right-of-way record was filed on 6/25/2003 with the Office Of Clerk To Circuit Court in Pb.134 Pg.49, with

a width of 50 Ft.

● **Hollow Oak Road, State Route Number: 5720**

From: Battlecreek Dr., (Rt. 5013)

To: Hollow Oak Tr., (Rt. 5718) & Hollow Oak Ct., (Rt. 5719), a distance of: 0.04 miles.

Right-of-way record was filed on 6/25/2003 with the Office Of Clerk To Circuit Court in Pb.134 Pg.49, with

a width of 50 Ft.

● **Hollow Oak Road, State Route Number: 5720**

From: Hollow Oak Tr., (Rt. 5718) & Hollow Oak Ct., (Rt. 5719)

To: Hollow Oak Dr., (Rt. 5597), a distance of: 0.23 miles.

Right-of-way record was filed on 6/25/2003 with the Office Of Clerk To Circuit Court in Pb.134 Pg.49, with

a width of 50 Ft.

● **Hollow Oak Road, State Route Number: 5720**

From: Hollow Oak Dr., (Rt. 5597)

To: 0.04 Mi S of Hollow Oak Dr., (Rt. 5597), a distance of: 0.04 miles.

Right-of-way record was filed on 6/25/2003 with the Office Of Clerk To Circuit Court in Pb.134 Pg.49, with
a width of 50 Ft.

● **Hollow Oak Terrace, State Route Number: 5718**

From: Hollow Oak Rd., (Rt. 5720)

To: Cul-de-sac, a distance of: 0.07 miles.

Right-of-way record was filed on 6/25/2003 with the Office Of Clerk To Circuit Court in Pb.134 Pg.49, with
a width of 44 Ft.

And, further, the Board adopted the following resolution:

WHEREAS, the street described below is shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street meets the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the street described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Chesdin Ridge, Section A and a portion of Trents Farm**

● **Chesdin Ridge Drive, State Route Number: 5737**

From: River Rd., (Rt. 602)

To: 0.28 Mi. W of River Rd., (Rt. 602), a distance of: 0.28 miles.

Right-of-way record was filed on 6/13/2001 with the Office Of Clerk To Circuit Court in Pb.118; Pg.46, with
a width of 50 Ft.

Right-of-way record was filed on 5/19/1976 with the Office Of Clerk To Circuit Court in Pb.26; Pg.52, with
a width of 50 Ft.

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Chesdin Ridge, Section B**

● **Chesdin Ridge Court, State Route Number: 5738**

From: Chesdin Ridge Dr., (Rt. 5737)

To: Cul-de-sac, a distance of: 0.08 miles.

Right-of-way record was filed on 4/1/2002 with the Office Of Clerk To Circuit Court in Pb.125; Pg.5, with a width of 50 Ft.

● **Chesdin Ridge Drive, State Route Number: 5737**

From: 0.28 Mi. W of River Rd., (Rt. 602)

To: Chesdin Ridge Ct., (Rt. 5738), a distance of: 0.06 miles.

Right-of-way record was filed on 4/1/2002 with the Office Of Clerk To Circuit Court in Pb.125; Pg.5, with a width of 50 Ft.

● **Chesdin Ridge Drive, State Route Number: 5737**

From: Chesdin Ridge Ct., (Rt. 5738)

To: Cul-de-sac, a distance of: 0.06 miles.

Right-of-way record was filed on 4/1/2002 with the Office Of Clerk To Circuit Court in Pb.125; Pg.5, with a width of 50 Ft.

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Lenox Forest at Riverdowns, Section 1**

● **Forest Creek Drive, State Route Number: 5736**

From: Lenox Forest Dr., (Rt. 5733)

To: Cul-de-sac, a distance of: 0.06 miles.

Right-of-way record was filed on 12/27/2001 with the Office Of Clerk To Circuit Court in Pb122; Pg.92,
with a width of 40 Ft.

● **Forest Creek Drive, State Route Number: 5736**

From: Lenox Forest Dr., (Rt. 5733)

To: 0.04 Mi. S of Lenox Forest Dr., (Rt. 5733), a distance of: 0.04 miles.

Right-of-way record was filed on 12/27/2001 with the Office Of Clerk To Circuit Court in Pb122; Pg.92,
with a width of 40 Ft.

● **Lenox Forest Court, State Route Number: 5735**

From: Lenox Forest Dr., (Rt. 5733)

To: Cul-de-sac, a distance of: 0.14 miles.

Right-of-way record was filed on 12/27/2001 with the Office Of Clerk To Circuit Court in Pb122; Pg.92,
with a width of 40 Ft.

● **Lenox Forest Drive, State Route Number: 5733**

From: Robious Rd., (Rt. 711)

To: Planters Walk Dr., (Rt. 5734), a distance of: 0.16 miles.

Right-of-way record was filed on 12/27/2001 with the Office Of Clerk To Circuit Court in Pb122; Pg.92,
with a width of 50 Ft.

● **Lenox Forest Drive, State Route Number: 5733**

From: Planters Walk Dr., (Rt. 5734)

To: Lenox Forest Ct., (Rt. 5735), a distance of: 0.11 miles.

Right-of-way record was filed on 12/27/2001 with the Office Of Clerk To Circuit Court in Pb122; Pg.92,
with a width of 40 Ft.

● **Lenox Forest Drive, State Route Number: 5733**

From: Lenox Forest Ct., (Rt. 5735)

To: Forest Creek Dr., (Rt. 5736), a distance of: 0.08 miles.

Right-of-way record was filed on 12/27/2001 with the Office Of Clerk To Circuit Court in Pb122; Pg.92,
with a width of 40 Ft.

● **Planters Walk Drive, State Route Number: 5734**

From: Lenox Forest Dr., (Rt. 5733)

To: 0.08 Mi. S of Lenox Forest Dr., (Rt. 5733), a distance of: 0.08 miles.

Right-of-way record was filed on 12/27/2001 with the Office Of Clerk To Circuit Court in Pb122; Pg.92,
with a width of 40 Ft.

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Polo Place @ Belgrade Plantation**

● **Polo Place, State Route Number: 5751**

From: Polo Pky., (Rt. 5400)

To: Cul-de-sac, a distance of: 0.07 miles.

Right-of-way record was filed on 5/29/1992 with the Office Of Clerk To Circuit Court in Pb.78; Pg.41, with
a width of 60 Ft.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

8.B.10. SET DATE FOR PUBLIC HEARINGS TO CONSIDER

**8.B.10.a. AMENDING AN EXISTING ORDINANCE, WHICH CREATED THE
"ENGLEWOOD SEWER ASSESSMENT DISTRICT"**

On motion of Mrs. Humphrey, seconded by Mr. King, the Board set the date of July 28, 2004 at 7:00 p.m. for a public hearing for the Board to consider amending an existing ordinance which created the "Englewood Sewer Assessment District" by adding language relating to the suspension of sewer assessment payments for property owners 65 years of age and older.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

**8.B.10.b. ADOPTING A RESOLUTION AUTHORIZING THE COUNTY TO
CONTRACT DEBT AND ISSUE GENERAL OBLIGATION BONDS
AND REQUESTING THE CIRCUIT COURT TO ORDER AN
ELECTION ON THE QUESTIONS OF CONTRACTING DEBT AND
ISSUING GENERAL OBLIGATION BONDS TO FINANCE PUBLIC
IMPROVEMENTS**

On motion of Mrs. Humphrey, seconded by Mr. King, the Board set the date of July 28, 2004 at 7:00 p.m. for a public hearing for the Board to consider the adoption of a resolution authorizing the county to contract debt and issue general obligation bonds and requesting the Circuit Court to order an election on the questions of contracting debt and issuing general obligation bonds to finance public improvements.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

**8.B.10.c. AMENDING THE CENTRAL AREA PLAN RELATING TO THE
CHESTERFIELD COUNTY GOVERNMENT CENTER AND
SURROUNDING AREA OF THE COUNTY**

On motion of Mrs. Humphrey, seconded by Mr. King, the Board set the date of July 28, 2004 at 7:00 p.m. for a public hearing to consider adoption of an amendment to the Central Area Plan relating to the Chesterfield County Government Center and surrounding area of the county.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

8.B.10.d. AMENDING THE ZONING ORDINANCE RELATING TO LIGHTING

On motion of Mrs. Humphrey, seconded by Mr. King, the Board set the date of July 28, 2004 at 7:00 p.m. for a public hearing for the Board to consider an amendment to the Zoning Ordinance relating to lighting.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

8.B.10.e. AMENDING THE COUNTY'S EMERGENCY RESPONSE COST RECOVERY ORDINANCE TO ALLOW THE COUNTY TO RECOVER ADDITIONAL COSTS AND TO PERMIT RESTITUTION

On motion of Mrs. Humphrey, seconded by Mr. King, the Board set the date of July 28, 2004 at 7:00 p.m. for a public hearing for the Board to consider revising the county's emergency response cost recovery ordinance to: (1) increase the emergency response amount from \$100 to \$250, and (2) permit the option of recovery of the Fire Department's expenses through court-ordered restitution.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

8.B.10.f. ACCEPTING AND APPROPRIATING A GRANT AWARDED BY THE DEPARTMENT OF CRIMINAL JUSTICE SERVICES (DCJS) FOR THE LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM GRANT

On motion of Mrs. Humphrey, seconded by Mr. King, the Board set the date of July 28, 2004 at 7:00 p.m. for a public hearing for the Board to consider acceptance and appropriation in FY2005 of a grant award from the Department of Criminal Justice Services, Law Enforcement Terrorism Prevention Program in the amount of \$503,817, and authorization for the County Administrator to execute all documents.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

8.B.10.g. AMENDING SECTIONS 17-2, 17-46, 19-181 AND 19-185 OF THE CODE OF THE COUNTY OF CHESTERFIELD RELATING TO FAMILY DIVISIONS AND VEHICLE STORAGE YARDS

On motion of Mrs. Humphrey, seconded by Mr. King, the Board set the date of July 28, 2004 at 7:00 p.m. for a public hearing for the Board to consider amendments to the Code of the County of Chesterfield, relating to family divisions and vehicle storage yards.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

8.B.11. APPROVAL OF FY2004 YEAR END ADJUSTMENTS

On motion of Mrs. Humphrey, seconded by Mr. King, the Board approved FY2004 year-end revenue and expenditure adjustments as follows: 1) appropriated revenues and expenditures for specific programs as well as authorized reallocations among General Fund departments and related funds as outlined in the papers of this Board on Schedule A; 2) appropriated revenues and expenditures and authorized other adjustments for specific programs and Non-General Fund departments as outlined in the papers of this Board on Schedule B; and 3) authorized the County Administrator to reserve and appropriate into FY2005 unspent FY2004 appropriations, contingent upon positive results of operations within individual departments and countywide, as determined by the county's financial audit as outlined in the papers of this Board on Schedule C.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.12. REQUESTS TO QUITCLAIM

**8.B.12.a. A PORTION OF A STORM WATER MANAGEMENT SYSTEM/
BEST MANAGEMENT PRACTICE EASEMENT ACROSS THE
PROPERTY OF PARKER HOMES, INCORPORATED**

On motion of Mrs. Humphrey, seconded by Mr. King, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed to vacate a portion of a storm water management system/best management practice easement across the property of Parker Homes, Incorporated. (It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**8.B.12.b. EIGHT-FOOT AND SIXTEEN-FOOT SEWER EASEMENTS AND
TEN-FOOT TEMPORARY CONSTRUCTION EASEMENTS ACROSS
THE PROPERTY OF BON SECOURS - SAINT FRANCIS
MEDICAL CENTER, INCORPORATED**

On motion of Mrs. Humphrey, seconded by Mr. King, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed to vacate eight-foot and 16-foot sewer easements and ten-foot temporary construction easements across the property of Bon Secours-Saint Francis Medical Center, Incorporated. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.13. REQUESTS FOR PERMISSION

**8.B.13.a. FROM SUNBELT HOMES, INCORPORATED TO INSTALL A
PRIVATE SEWER SERVICE WITHIN A PRIVATE EASEMENT TO
SERVE PROPERTY ON OXBRIDGE ROAD**

On motion of Mrs. Humphrey, seconded by Mr. King, the Board approved a request from Sunbelt Homes, Incorporated for

permission to install a private sewer service within a private easement to serve property at 3709 Oxbridge Road, and authorized the County Administrator to execute the sewer connection agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.13.b. FROM WINIFRED G. ROGERS, TRUSTEE FOR A SATELLITE DISH TO ENCROACH WITHIN A FIFTY-FOOT UNIMPROVED RIGHT OF WAY KNOWN AS APPLEWOOD LANE

On motion of Mrs. Humphrey, seconded by Mr. King, the Board approved a request from Winifred G. Rogers, Trustee for permission for a satellite dish to encroach within a 50-foot unimproved right of way known as Applewood Lane, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.13.c. FROM CAPITOL BUILDERS, INCORPORATED FOR A PROPOSED DECK TO ENCROACH WITHIN A VARIABLE WIDTH DRAINAGE AND SANITARY SEWER EASEMENT ACROSS LOT 17, BAYHILL POINTE, SECTION 14

On motion of Mrs. Humphrey, seconded by Mr. King, the Board approved a request from Capitol Builders, Incorporated for permission for a proposed deck to encroach within a variable width drainage and sanitary sewer easement across Lot 17, Bayhill Pointe, Section 14, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.13.d. FROM PHILLIP W. COX TO INSTALL A PRIVATE WATER SERVICE WITHIN A PRIVATE EASEMENT TO SERVE PROPERTY ON FERNDAL AVENUE

On motion of Mrs. Humphrey, seconded by Mr. King, the Board approved a request from Phillip W. Cox for permission to install a private water service within a private easement to serve property at 21825 Ferndale Avenue, and authorized the County Administrator to execute the water connection agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.14. AUTHORIZATION TO EXERCISE EMINENT DOMAIN FOR THE ACQUISITION OF EASEMENTS FOR THE GREENFIELD DRAINAGE PROJECT

On motion of Mrs. Humphrey, seconded by Mr. King, the Board authorized the County Attorney to proceed with eminent domain and exercise immediate right of entry pursuant to Sections

15.2-1904 and 1905 of the Code of Virginia for the acquisition of easements for the Greenfield Drainage Project, and instructed the County Administrator to notify the owner by certified mail on June 25, 2004, of the county's intention to take possession of the easements. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.15. ACCEPTANCE OF PARCELS OF LAND

8.B.15.a. FOR THE EXTENSION OF WALMART WAY

On motion of Mrs. Humphrey, seconded by Mr. King, the Board accepted the conveyance of a parcel of land containing 0.318 acres for the extension of Walmart Way, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.15.b. ALONG THE SOUTH RIGHT OF WAY LINE OF CENTRALIA ROAD FROM CUSTIS MONTAGU CLINE, MICHAEL CASTLE CLINE AND ANNE FITZHUGH CLINE

On motion of Mrs. Humphrey, seconded by Mr. King, the Board accepted the conveyance of a parcel of land containing 0.048 acres along the south right of way line of Centralia Road (State Route 145) from Custis Montagu Cline, Michael Castle Cline and Anne Fitzhugh Cline, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.16. AWARD OF CONTRACT AND TRANSFER OF FUNDS FOR THE MEADOWVILLE TECHNOLOGY PARK L2 INDUSTRIAL ACCESS PROJECT

On motion of Mrs. Humphrey, seconded by Mr. King, the Board awarded a contract to Stanley Construction in the amount of \$1,326,002.90 for the Meadowville Technology Park L2 Industrial Access Project; transferred an additional \$295,858, after July 1, 2004, from the Industrial Access Account for the project; and authorized the County Administrator to execute all contract documents.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.17. APPROPRIATION OF FUNDS

8.B.17.a. IN MEDICAID FUNDS TO ADDRESS SERVICE NEEDS AT THE COMMUNITY SERVICES BOARD

On motion of Mrs. Humphrey, seconded by Mr. King, the Board appropriated \$487,500 in additional Medicaid funds to cover costs incurred to provide clients of the Community Services

Board with transportation, psychosocial day services, home supports, case management and other needed services.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.17.b. IN STATE AND FEDERAL FUNDS TO ADDRESS SERVICE NEEDS AT THE COMMUNITY SERVICES BOARD

On motion of Mrs. Humphrey, seconded by Mr. King, the Board appropriated \$402,100 in state and federal funds to cover costs incurred to provide inpatient services to clients, and to provide services to persons with persistent, long-term mental illness in a community setting.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.18. CONVEYANCE OF AN EASEMENT TO VIRGINIA ELECTRIC AND POWER COMPANY FOR OVERHEAD AND UNDERGROUND CABLE FOR THE HULL STREET ROAD WIDENING PROJECT

On motion of Mrs. Humphrey, seconded by Mr. King, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute an easement agreement with Virginia Electric and Power Company for overhead and underground cable for the Hull Street Road Widening Project. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.19. ACCEPTANCE AND APPROPRIATION OF VIRGINIA DEPARTMENT OF AVIATION GRANT FUNDS FOR EXPANDING THE AIRPORT SECURITY SYSTEM

On motion of Mrs. Humphrey, seconded by Mr. King, the Board authorized the County Administrator to accept and appropriate State Department of Aviation grant funds in the amount of \$132,255 for an airport project to install two pedestrian gates, one control monitor, remote transmitter for terminal door and fiber optic cable for CCTV operation, and authorized the transfer of \$14,695 from within the Airport Capital Projects Fund for the local match.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.20. AUTHORIZATION FOR COUNTY ADMINISTRATOR TO ACCEPT ASSIGNMENT OF EIGHTY ACRES ON OLD HUNDRED AND GENITO ROAD AND AUTHORIZATION FOR STAFF TO INITIATE APPLICATION FOR SUBSTANTIAL ACCORD FOR THE USE OF THE PROPERTY AS A HIGH SCHOOL SITE

On motion of Mrs. Humphrey, seconded by Mr. King, the Board authorized the County Administrator to accept assignment of option agreements for 80 acres on Old Hundred Road and Genito Road, in a form acceptable to the County Attorney, and

authorized staff to initiate Substantial Accord for the use of the property covered by the options as a high school site.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

9. HEARINGS OF CITIZENS ON UNSCHEDULED MATTERS OR CLAIMS

o MR. GRAHAM ROLLINGS, SR. WILL ADDRESS THE BOARD OF SUPERVISORS REGARDING THE COST OF PROVIDING SEWER SERVICE TO HUNTERS RIDGE SUBDIVISION

Mr. Graham Rollings, Sr. stated three or four homeowners in the Hunters Ridge Subdivision have experienced problems with their septic systems. He further stated staff has provided him with cost estimates to provide sewer service to the subdivision. He stated there are 58 residents who tentatively support connections through an assessment district, but concerns have been expressed relative to the cost. He requested that the Board consider providing some type of relief from the cost to provide sewer service to the subdivision.

In response to Mr. King's question, Mr. Ramsey stated the Board would be setting a precedent by providing the requested relief.

Mr. King stated he does not believe it is fair to treat residents differently in the provision of utilities.

Discussion ensued relative to the legislation adopted at the 2005 General Assembly relative to suspension of payments for assessment district homeowners once they turn age 65.

Mr. Micas stated the legislation applies to the Englewood Sewer Assessment District as well as any future assessment districts.

Mrs. Humphrey suggested that Senior Engineer Randy Phelps and Mr. Micas determine whether the legislation will apply to any of the homeowners in Hunters Ridge.

Mr. Barber stated it is unfortunate that the public cannot provide water and sewer service to all of the older neighborhoods in the county.

Mr. Miller stated it is very important that subdivisions being built today are done so using public water and sewer.

10. REPORTS

10.A. REPORT ON DEVELOPER WATER AND SEWER CONTRACTS

10.B. REPORT ON THE STATUS OF GENERAL FUND BALANCE, RESERVE FOR FUTURE CAPITAL PROJECTS, DISTRICT IMPROVEMENT FUNDS AND LEASE PURCHASES

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board accepted the following reports: A Report on Developer Water and Sewer Contracts; and a Report on the Status of General

Fund Balance, Reserve for Future Capital Projects, District Improvement Funds and Lease Purchases.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

10.C. CLOSED SESSION PURSUANT TO SECTION 2.2-3711(A)(7) OF THE CODE OF VIRGINIA, 1950, AS AMENDED, FOR CONSULTATION WITH LEGAL COUNSEL PERTAINING TO PROBABLE LITIGATION INVOLVING THE CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

On motion of Mr. Barber, seconded by Mr. King, the Board went into a Closed Session pursuant to Section 2.2-3711(A)(7) of the Code of Virginia, 1950, as amended, for consultation with legal counsel pertaining to probable litigation involving the Chesapeake Bay Local Assistance Board.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Reconvening:

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board adopted the following resolution:

WHEREAS, the Board of Supervisors has this day adjourned into Closed Session in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act effective July 1, 1989 provides for certification that such Closed Session was conducted in conformity with law.

NOW, THEREFORE BE IT RESOLVED, the Board of Supervisors does hereby certify that to the best of each member's knowledge, i) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed in the Closed Session to which this certification applies, and

ii) only such public business matters as were identified in the Motion by which the Closed Session was convened were heard, discussed, or considered by the Board. No member dissents from this certification.

The Board being polled, the vote was as follows:

Mr. Warren: Aye.
Mr. King: Aye.
Mrs. Humphrey: Aye.
Mr. Barber: Aye.
Mr. Miller: Aye.

11. DINNER

On motion of Mr. King, seconded by Mrs. Humphrey, the Board recessed to the Administration Building, Room 502, for dinner with members of the Camp Baker Board.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Reconvening:

It is noted Mr. Warren did not return for the evening session.

12. INVOCATION

Dr. Roy Fouts, Pastor of New Direction Ministries gave the invocation.

13. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

Eagle Scout David Patrick Heath led the Pledge of Allegiance to the flag of the United States of America.

14. RESOLUTIONS AND SPECIAL RECOGNITIONS

14.A. RECOGNIZING MR. BARRY LYNCH FOR HIS HEROIC EFFORTS

Deputy Chief Paul Mauger introduced Mr. Barry Lynch who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, Mr. Barry Lynch is an employee of the Virginia Department of Transportation (VDOT); and

WHEREAS, Mr. Lynch works in Chesterfield County"; and

WHEREAS, VDOT has bestowed its first Medal for Heroism to Mr. Lynch in recognition of his heroic actions on November 12, 2003; and

WHEREAS, on that date, Mr. Lynch was working on a debris-removal operation in the aftermath of Hurricane Isabel; and

WHEREAS, driving a VDOT pickup truck, Mr. Lynch was heading southbound on the Chippenham Parkway"; and

WHEREAS, Mr. Lynch saw a man come running out of the woods, his body engulfed in flames; and

WHEREAS, Mr. Lynch quickly stopped his vehicle, retrieved a fire extinguisher from the pickup truck, and extinguished most of the flames, then, using his bare hands, he extinguished the remaining flames by patting the victim's still-burning and melting clothing, undoubtedly saving the man's life; and

WHEREAS, once the victim's flames were extinguished, Mr. Lynch turned his attention to putting out a fire in the woods; and

WHEREAS, when other help arrived, Mr. Lynch assisted with directing traffic; and

WHEREAS, such courage and selfless service is worthy of appropriate recognition.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 23rd day of June 2004, publicly recognizes Mr. Barry Lynch for his quick and heroic response to the emergency needs of another individual, thanks him for his courage and clear thinking in a life-and-death crisis situation, and expresses its appreciation that Chesterfield County has such outstanding individuals working for VDOT in the county.

Ayes: Miller, Barber, Humphrey and King.

Nays: None.

Absent: Warren.

Mrs. Humphrey presented the executed resolution to Mr. Lynch, accompanied by members of his family, and commended him on his unselfish and heroic actions.

Mr. Lynch stated he has been a resident of Chesterfield County for 42 years and it is a great place to live.

A standing ovation followed.

14.B. RECOGNIZING MR. DAVID WELCHONS FOR CONTRIBUTIONS TO THE CHESTERFIELD/COLONIAL HEIGHTS BOARD OF SOCIAL SERVICES

Ms. Snead introduced Mr. David Welchons who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Chesterfield/Colonial Heights Social Services Board is a citizen board established by the Code of Virginia, responsible for oversight and policy guidance to the department in its pursuit of excellence, in providing services to individuals, families and the community; and

WHEREAS, Mr. David Welchons was appointed by the Chesterfield County Board of Supervisors to serve on the Chesterfield/Colonial Heights Board of Social Services in March 1994 and continued in this role until June 2004, having served a total of ten years; and

WHEREAS, Mr. Welchons served as Chairman of the Chesterfield/Colonial Heights Department of Social Services Board from July 2000 through June 2003; and

WHEREAS, Mr. Welchons is a tireless and strong advocate for departmental needs and consistently demonstrates a commitment to all employees of the Chesterfield/Colonial Heights Department of Social Services; and

WHEREAS, under the leadership of Mr. Welchons the department has continued to strive for excellence and to engage in a process of continually seeking to improve; and

WHEREAS, without fail, Mr. Welchons has expressed and demonstrated a constant and genuine interest in and

commitment to the protection of all children as well as the protection of the elderly and disabled in this community; and

WHEREAS, during Mr. Welchons' service on the board an award winning adoption initiative was implemented that continues to bring children and adults seeking to be parents together in loving, permanent families; and

WHEREAS, Mr. Welchons encouraged and ensured fiscal responsibility and, specifically during his tenure, the Virginia Initiative for Employment-NOT Welfare (Welfare Reform) was successfully implemented; and

WHEREAS, Mr. Welchons has always had an extraordinary interest in the citizens of Chesterfield County and the City of Colonial Heights and cares deeply about each of these two localities; and

WHEREAS, Mr. Welchons is a pleasure to know and to work with, and as a Board member has been dedicated throughout his tenure.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 23rd day of June 2004, publicly recognizes Mr. David Welchons and commends him for his dedicated and outstanding service to the Social Services Board and all citizens of Chesterfield and Colonial Heights.

Ayes: Miller, Barber, Humphrey and King.

Nays: None.

Absent: Warren.

Mr. Miller presented the executed resolution to Mr. Welchons, accompanied by his wife and members of the Social Services Board, and expressed appreciation for his compassionate service on the Chesterfield/Colonial Heights Social Services Board.

Mr. Welchons stated it has been a privilege to serve on the Social Services Board.

Ms. Juanita Hundley, Chairman of the Social Services Board, thanked Mr. Welchons for his contributions.

A standing ovation followed.

Ms. Snead presented a plaque to Mr. Welchons from the Social Services Board in recognition of his service.

14.C. RECOGNIZING BOY SCOUTS UPON ATTAINING THE RANK OF EAGLE SCOUT

14.C.1. DAVID PATRICK HEATH, MIDLOTHIAN DISTRICT

Mr. Stegmaier introduced Mr. David Heath who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910, and was chartered by Congress in 1916; and

WHEREAS, the Boy Scouts of America was founded to build character, provide citizenship training and promote physical fitness; and

WHEREAS, after earning at least twenty-one merit badges in a wide variety of skills including leadership, service and outdoor life, serving in a leadership position in a troop, carrying out a service project beneficial to his community, being active in the troop, demonstrating Scout spirit, and living up to the Scout Oath and Law; and

WHEREAS, Mr. David Patrick Heath, Troop 869, sponsored by Salisbury Presbyterian Church, has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout, which is earned by only four percent of those individuals entering the Scouting movement; and

WHEREAS, growing through his experiences in Scouting, learning the lessons of responsible citizenship, and endeavoring to prepare himself for a role as a leader in society, David has distinguished himself as a member of a new generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 23rd day of June 2004, publicly recognizes Mr. David Patrick Heath, extends congratulations on his attainment of Eagle Scout, and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

Ayes: Miller, Barber, Humphrey and King.

Nays: None.

Absent: Warren.

Mr. Barber presented the executed resolution and patch to Mr. Heath, accompanied by members of his family, congratulated him on his outstanding achievement, and wished him well in his future endeavors.

Mr. Heath expressed appreciation to the Board for the recognition and also to his parents, grandfather and others for their support.

14.C.2. JOSEPH THOMAS KEELER, III, MIDLOTHIAN DISTRICT

Mr. Stegmaier introduced Mr. Joseph Keeler who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910, and was chartered by Congress in 1916; and

WHEREAS, the Boy Scouts of America was founded to build character, provide citizenship training and promote physical fitness; and

WHEREAS, after earning at least twenty-one merit badges in a wide variety of skills including leadership, service and

outdoor life, serving in a leadership position in a troop, carrying out a service project beneficial to his community, being active in the troop, demonstrating Scout spirit, and living up to the Scout Oath and Law; and

WHEREAS, Mr. Joseph Thomas Keeler, Troop 829, sponsored by Saint Matthias' Episcopal Church, has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout, which is earned by only four percent of those individuals entering the Scouting movement; and

WHEREAS, growing through his experiences in Scouting, learning the lessons of responsible citizenship, and endeavoring to prepare himself for a role as a leader in society, Trey has distinguished himself as a member of a new generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 23rd day of June 2004, publicly recognizes Mr. Joseph Thomas Keeler, III, extends congratulations on his attainment of Eagle Scout, and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

Ayes: Miller, Barber, Humphrey and King.

Nays: None.

Absent: Warren.

Mr. Barber presented the executed resolution and patch to Mr. Keeler, accompanied by members of his family, congratulated him on his outstanding achievement, and wished him well in his future endeavors.

Mr. Keeler expressed appreciation to his friends, family and scout leaders for their support.

15. REQUESTS FOR MOBILE HOME PERMITS AND REZONING PLACED ON THE CONSENT AGENDA TO BE HEARD IN THE FOLLOWING ORDER:
- WITHDRAWALS/DEFERRALS - CASES WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION
- CASES WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION WILL BE HEARD AT SECTION 18

04SN0234

In Matoaca Magisterial District, 360 CAPITAL PARTNERSHIP requests rezoning and amendment of zoning district map from Agricultural (A) to Regional Business (C-4). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light commercial use. This request lies on 1.0 acre fronting approximately 200 feet on the south line of Hull Street Road, approximately 870 feet east of Lonas Parkway. Tax ID 738-681-3505 (Sheet 16).

Mr. Turner presented a summary of Case 04SN0234 and stated the Planning Commission and staff recommend approval and acceptance of the proffered conditions.

Ms. Kristen Keatley, representing the applicant, stated the recommendation is acceptable.

Mr. Miller called for public comment.

No one came forward to speak to the request.

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board approved Case 04SN0234 and accepted the following proffered conditions:

1. Public water and wastewater shall be used. (U)
2. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
3. There shall be no direct access from the property to Route 360. (T)
4. To provide an adequate roadway system at the time of complete development, the developer shall be responsible for the construction of an additional lane of pavement along the entire property frontage on Route 360. The exact length of this improvement shall be approved by the Transportation Department. (T)
5. Light poles shall have a maximum height of twenty (20) feet within the required building setback along Route 360 and shall not exceed a height of twenty-five (25) feet on the remainder of the property. (P)
6. The developer shall be responsible for notifying the last known representative of Glen Tara Subdivision, Brandermill Community Association and the 360 West Corridor Committee of the submission of any site plan submission. Such notification shall occur at least twenty-one (21) days prior to the approval of such plans. The developer shall provide the Planning Department with a copy of the notice. (P)

Ayes: Miller, Barber, Humphrey and King.

Nays: None.

Absent: Warren.

04SN0245

In Bermuda Magisterial District, CYCLE SYSTEMS, INC. requests Conditional Use and amendment of zoning district map to permit modular building lease, sales and service. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community commercial/mixed use corridor and light industrial use. This request lies in a General Industrial (I-2) District on 32.7 acres fronting approximately 260 feet on the west line of Jefferson Davis Highway, approximately 4,300 feet south of Forest Lake Road. Tax IDs 799-643-9686 and 799-644-6544 (Sheet 34).

Mr. Turner presented a summary of Case 04SN0245 and stated the Planning Commission and staff recommend approval.

Mr. Jim Theobald, representing the applicant, stated the recommendation is acceptable.

Mr. Miller called for public comment.

No one came forward to speak to the request.

On motion of Mr. King, seconded by Mr. Barber, the Board approved Case 04SN0245.

Ayes: Miller, Barber, Humphrey and King.

Nays: None.

Absent: Warren.

04SN0246

In Bermuda Magisterial District, RICHMOND AFFORDABLE HOUSING requests rezoning and amendment of zoning district map from Multifamily Residential (R-MF) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general commercial use. This request lies on 0.8 acre fronting approximately eighty-five (85) feet on the west line of Jefferson Davis Highway, approximately 350 feet north of Bensley Commons Boulevard. Tax ID 790-679-Part of 0705 (Sheet 18).

Mr. Turner presented a summary of Case 04SN0246 and stated the Planning Commission and staff recommend approval and acceptance of the proffered condition.

Ms. Karen Miller, representing the applicant, stated the recommendation is acceptable.

Mr. Miller called for public comment.

No one came forward to speak to the request.

On motion of Mr. King, seconded by Mr. Barber, the Board approved Case 04SN0246 and accepted the following proffered condition:

Prior to any site plan approval or within 90 days of a written request by the County, whichever occurs first, an access easement acceptable to the Transportation Department shall be recorded from Jefferson Davis Highway to the adjacent property to the north (Tax ID 790-680-5316). (T)

Ayes: Miller, Barber, Humphrey and King.

Nays: None.

Absent: Warren.

02SN0238 (Amended)

In Matoaca Magisterial District, DOUGLAS R. SOWERS requests amendment to Conditional Use Planned Development (Case 88S008) and amendment of zoning district map on part of

property which is commonly known as Greenspring's A. E. Howard and Rose tracts. Specifically, the applicant desires to develop this 208.5 acre tract as a single development from the originally-zoned 1,312.7 acre tract. In general, amendments are requested relative to the approved Master Plan, historic structures, provision of a golf course, road improvements, land dedications and reservations, utilities, drainage, erosion and water quality. A mixed use development consisting of residential, office and commercial uses is planned. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use and single family residential use of 2.0 units per acre or less. This request lies in Residential (R-9) and Corporate Office (O-2) Districts on 208.5 acres fronting in two (2) places for a total of approximately 2,050 feet on the east line of Otterdale Road, approximately 2,900 feet south of Gamecock Road. Tax IDs 716-691-4229 and 718-691-6889 (Sheet 9).

Ms. Beverly Rogers presented a summary of Case 02SN0238 and stated the Planning Commission and staff recommended approval of Amendments I through IV and VI pertaining to technical changes to the original zoning on the property. She further stated staff recommends denial of Amendment V, indicating that the proffered conditions are insufficient to address the impact of the proposed development on the road network in the area. She stated the Planning Commission recommended approval of Amendment V, indicating that considerable road improvements have been offered and the developer should not be required to construct road improvements to accommodate off-site traffic.

In response to Mr. Barber's questions, Mr. McCracken stated the reason for the developer's request to delete the required traffic impact analysis is the element of uncertainty regarding density and the cost of road improvements. He further stated it is not the county's intention to restrict the development, but to ensure that the infrastructure provided accommodates the level of development that occurs. He stated the applicant would be required to comply with fire and public safety access requirements.

In response to Mr. Miller's question, Mr. McCracken stated staff still believes the traffic impact analysis is very important. He further stated staff has defined the road improvements that must be made, and if the development results in more traffic at an intersection than can be accommodated with a four-lane road, congested conditions will result.

In response to Mrs. Humphrey's question, Mr. McCracken stated a traffic impact study was required on the Southern Land zoning case.

Mrs. Humphrey stated she has comprehensively reviewed the traffic funding and roads being provided by the developer in the Greensprings development in its entirety. She further stated there is no quantitative measure for the traffic that will result from the individual developments and expressed concerns that, once the road network is in place, a traffic impact study would be cumulative rather than based on just this one development. She stated she is pleased with the

road improvements being offered by the developer as well as the limitation on development until a commitment has been made to extend Powhite Parkway.

Mr. Jim Theobald, representing the applicant, provided details of the road improvements being provided by the developer. He stated the applicant is limited to building 175 residential units and 20,000 square feet of commercial property until the additional road network has been constructed by the developer and/or others. He further stated the applicant has also agreed not to file any subdivision or site plans for multi-family usage until July 1, 2005. He stated the Planning Commission, on a 4-1 vote, recommended approval of the proposal, indicating that the totality of the roads being built and funded by the developer is extremely significant. He further stated the proposal will result in the public road system being built faster because the developer will build the roads he is required to build in order to move forward with his development.

Mr. Miller called for public comment.

No one came forward to speak to the request.

Mr. Miller called Mr. McCracken forward to answer questions.

Mr. McCracken stated the original Greensprings property included a road network that staff knew was necessary to support the level of development allowed through the zoning. He further stated that, over time, the originally required road improvements have been reduced. He further stated that approval of the project may result in a road being built sooner, but a two or four-lane road carrying enough traffic to justify six lanes is not good for the county. He stated the practice staff has used is that when a developer comes forward with a traffic study, a 20-year forecast is made and the developer has a fixed amount of traffic to deal with. He further stated there is no way to develop the transportation system in the county if developers do not fulfill their obligation to address the impact of their development on the county's road infrastructure.

Discussion ensued relative to road improvements required in the recently approved Savage case.

In response to Mr. Barber's question, Mr. McCracken stated he believes the 200 feet of right of way being provided is sufficient to extend Powhite Parkway.

Mrs. Humphrey stated the transportation requirements in the original Greensprings development have not remained consistent because each landowner has had a different second approach to the transportation network. She further stated, although she believes staff has done an excellent job with its recommendations, she agrees with Mr. Theobald that extraordinary road improvements are being offered and the developer will construct the secondary road network faster than waiting on the Virginia Department of Transportation to do so.

Mrs. Humphrey then made a motion for the Board to approve Case 02SN0238.

Mr. Barber seconded Mrs. Humphrey's motion.

Mr. Barber inquired whether the transportation network would be as complete as expected regardless of the traffic impact study if the Powhite Parkway were to be extended through a Public Private Transportation Act (PPTA) proposal.

Mr. McCracken stated, if Powhite is extended, he believes the Woolridge Road intersection will be extremely important for economic development opportunities, and he can easily see the demand for six lanes at the Woolridge Road/Powhite interchange.

When asked, Mr. McCracken stated the applicant is providing the right of way to increase lanes on Woolridge Road, if necessary.

Mr. King stated he believes the applicant has provided his share of transportation costs and he will support the motion.

Mr. Miller stated he relies greatly upon Mr. McCracken's recommendation and he has indicated very strongly that he believes a traffic impact study is necessary. He further stated, reluctantly, he cannot support the motion.

Mr. Miller called for a vote on the motion of Mrs. Humphrey, seconded by Mr. Barber, for the Board to approve Case 02SN0238 subject to the following conditions:

1. The Textual Statement, titled Greenspring: Conditional Use and Zoning Application, revised April 1, 1988, including the "Residential Site Development Criteria" table, Exhibit IV and the conditions of zoning for Case 88S008 and the Conceptual Master Plan, dated February 6, 2004, shall be the Master Plan for the subject property, except as stated herein. And further, provided that the subject property shall be permitted to be considered as a separate project from the remaining portion of that land area covered under Case 88S008. (P)
2. All references and requirements relating to golf in the Textual Statement and conditions of zoning for Case 88S008 shall be deleted. (P)
3. The requirement to restore the Tomahawk and Ellett Hancock structures shall be deleted. (P)
4. All references and requirements relating to the plan entitled "Conceptual Site Development Plan - Greenspring - Chesterfield County, Virginia" in the Textual Statement and conditions of zoning for Case 88S008 shall be deleted. (P)

(Note: Conditions 1 through 4 supersede Condition 1 of Case 88S008 for the request property only.)

5. The requirements of Conditions 7, 9, 11 and 20 of Case 88S008 shall be deleted for the request property only. (EE)

And, further, the Board accepted the following proffered conditions:

1. Timbering. With the exception of timbering which has been approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
2. Stormwater. The developer shall leave in place the temporary sediment control devices and/or, at the election of the developer, construct new BMPs or combinations of BMPs, which would achieve, (i) a maximum phosphorous limit of .22 for residential development, and (ii) a maximum phosphorus limit of .45 for commercial development, until (i) Chesterfield County has constructed the downstream regional BMP into which a portion of the development will drain pursuant to Upper Swift Creek Watershed Plan or (ii) to the extent a portion of the Property does not drain into a regional BMP, then as to that portion of the Property, upon completion of the initial regional BMP. (EE)
3. Water. In lieu of a water line connection to the Queensmill West development, the developer shall extend a sixteen (16) inch water line adjacent to the proposed extension of Woolridge Road from the southern boundary to the northern boundary of the request site. In addition, the developer shall extend an appropriately sized water line along the East/West Arterial (as herein defined) from Otterdale Road to the eastern portion of Tract E. (U)
4. Water and Wastewater Plan. The required overall Water and Wastewater Systems Overall Plan for this development shall be submitted to the Utilities Department for review and approval at least thirty (30) days prior to the initial submission of any tentative, site, or schematic plan. This shall be accompanied by a Phasing Plan which will establish a schedule for extensions of the required water and wastewater lines incrementally with each phase of development. (U)

(Staff Note: Proffered Conditions 3 and 4 supersede Condition 14 of Case 88S008 for the request property only.)

5. Cash Proffer
 - a. Prior to the time of issuance of a building permit for each of the first twenty five (25) dwelling units, the applicant, subdivider, or its assignee, shall pay to the County of Chesterfield the following amount for infrastructure improvements for schools within the service district for the Property:

the amount approved by the Board of Supervisors, but not to exceed \$4,166 per dwelling unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2003 and July 1 of the fiscal year in which the payment is made.

- b. If any of the cash proffer is not expended for the purposes designated by the Capital Improvement Program within fifteen (15) years from the date of payment, it shall be returned in full to the payor. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not be in addition to, any impact fees, in a manner determined by the County. (B&M)

(Staff Note: This condition supersedes Condition 30 of Case 88S008 for the request property only.)

6. Road Improvements and Phasing.

- a. Right-of Way Dedication. In conjunction with recordation of the initial subdivision plat, prior to any site plan approval, or within sixty (60) days from a written request by the county, whichever occurs first, the applicant or his assignee shall dedicate to the county, free and unrestricted, the following rights of way:
 - i. A 200 foot wide right of way for Powhite Parkway Extended across the northwestern part of the Property;
 - ii. A 120 foot wide right of way for a north/south major arterial ("Woolridge Road Extended") from the southern Property line to the northern Property line. The exact location of this right of way shall be approved by Chesterfield Department of Transportation (CDOT);
 - iii. A ninety (90) foot wide right of way for an east/west major arterial (the "East/West Arterial") from Otterdale Road to the eastern Property line. The exact location of this right of way shall be approved by CDOT;
 - iv. A forty five (45) foot wide right of way for Otterdale Road adjacent to the Property, measured from the centerline of Otterdale Road; and
 - v. Rights of way or easements for access (the "Site Road"), as approved by CDOT, from Woolridge Road Extended across the Property to the Lennon parcel (Tax ID 7196945885) on both the east and west sides of Woodridge Road Extended. The Site Road right of way width shall generally be sixty (60) feet; however, the exact width and location of these rights of way or easements shall be approved by CDOT.
- b. Construction. In order to provide an adequate roadway system, the applicant or his assignee shall be responsible for the following road improvements:
 - i. Construction of a four (4) lane divided facility for Woolridge Road Extended, to VDOT Urban Minor Arterial standards (50 MPH) with

modifications approved by CDOT, from the northern Property line to the East/West Arterial intersection;

- ii. Construction of two (2) lanes of the East/West Arterial, to VDOT Urban Minor Arterial standards (50 MPH) with modifications approved by CDOT, from Otterdale Road to Woolridge Road Extended;
 - iii. Realignment of Otterdale Road at the East/West Arterial intersection to create a T-intersection, if approved by CDOT;
 - iv. Construction of left and right turn lanes at each approved access along the Site Road, along Woolridge Road Extended, along the East/West Arterial and along Otterdale Road, including at the East/West Arterial/Otterdale Road intersection, and at the East/West Arterial/Woolridge Road Extended intersection, as determined by CDOT;
 - v. Full cost of traffic signalization at all approved accesses including at the East/West Arterial/Woolridge Road Extended and at the Site Road/Woolridge Road Extended intersections, if warranted as determined by CDOT;
 - vi. Widening/improving the east side of Otterdale Road to an eleven (11) foot wide travel lane, measured from the centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, with modifications approved by CDOT, from the northernmost approved access onto Otterdale Road to the southern Property line; and
 - vii. Any rights of way necessary for improvements specified in Proffered Condition 6.b. In the event the developer is unable to acquire the right of way necessary for these road improvements, the applicant or his assignee may request, in writing, the county to acquire such right of way as a public road improvement. All costs associated with the acquisition of such right of way shall be borne by the applicant or his assignee.
- c. Phasing. Prior to any site plan or subdivision construction plan approval, whichever occurs first, a phasing plan for the improvements specified in Proffered Condition 6.b. shall be submitted to and approved by CDOT. The approved phasing plan shall require, among other things, the following:
- i. The initial development on the Property of 175 residential units and 20,000 square feet of nonresidential uses shall have sole access to Woolridge Road Extended; and

- ii. Prior to recordation or site plan approval on the Property of a cumulative total of more than 175 residential units or site plan approval of more than 20,000 square feet of nonresidential uses, whichever occurs first, four (4) lanes of Woolridge Road Extended as required by Proffered Condition 6.b.i.; and two (2) lanes of Powhite Parkway Extended from the Watermill Parkway intersection to Woolridge Road Extended and two (2) lanes of Woolridge Road Extended from Powhite Parkway Extended to the northern Property line, shall be completed, as determined by CDOT.
 - d. Access. Prior to any site plan or tentative subdivision plan approval, whichever occurs first, the applicant or his assignee shall submit to CDOT, and receive its approval of, a plan for access to the Property from the Site Road, Woolridge Road Extended, the East/West Arterial and Otterdale Road. Access to the Property shall conform to the approved access plan.
7. Phasing. There shall be no lots recorded prior to July 1, 2005 on the Property. There shall be no site plan approved for any residential multifamily units prior to July 1, 2005. (P)

(Staff Note: This condition supersedes Textual Statement Items 14, 15, 16, 20, 21 and 22 of Case 88S008 for the request property only.)

Ayes: Barber, Humphrey and King.
Nays: Miller.
Absent: Warren.

03SN0329

In Midlothian Magisterial District, LEWIS W. COMBS, JR. AND JAMES F. STEPHENS request rezoning and amendment of zoning district map from Residential (R-40) to Residential (R-15) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 2.9 units per acre is permitted in a Residential (R-15) District. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies on 6.5 acres fronting approximately 240 feet on the south line of Robious Road approximately 80 feet east of Sandhurst Lane and lying at the western terminus of Auger Lane. Tax ID 735-716-8642 (Sheet 2).

Ms. Rogers presented a summary of Case 03SN0329 and stated staff recommended approval, indicating that the proposed development conforms to the Northern Area Plan and is compatible with existing area residential development. She further stated the Planning Commission recommended denial, indicating that a commitment has been made to not rezone R-40 properties in the area to allow smaller lots along the Robious Road Corridor.

Mr. Lewis Combs, Jr. stated he is willing to stipulate that no lot will be smaller than 20,000 square feet, rather than

the originally proffered 15,000 square feet. He further stated the applicant is no longer requesting the rear line setback. He stated he believes the eleven homes will enhance the value of surrounding properties and the proposal represents good planning standards. He further stated the current R-40 zoning would require lots over twice the size in adjacent established neighborhoods and noted staff recommends approval of the request. He stated efficient and appropriate use of infill parcels will help avoid urban sprawl. He further stated he has spoken to people involved in the Riverton zoning case who have indicated it was never the intent to prevent or limit the appropriate use of infill parcels to lot sizes smaller than an acre, rather that was intended to deal with new development. He further stated there has been no opposition to the proposal and requested the Board's support.

Mr. Miller called for public comment.

Ms. Evelyn Guess stated Mr. Combs is a man of integrity and she supports the request.

There being no one else to speak to the request, the public hearing was closed.

Mr. Barber stated area residents have expressed concerns relative to the placement of modular homes on the subject property and how this might impact their property values. He further stated additional dialogue was initiated after the Planning Commission meeting with the applicant's representative and the neighborhood, indicating that the residents are fully prepared for the applicant to move forward with R-40 zoning but not supportive of changes requested by the developer.

Mr. Barber then made a motion to deny Case 03SN0329.

Mrs. Humphrey seconded Mr. Barber's motion. She referenced the Bellona Arsenal case and stated she has reviewed the history of the current R-40 zoning on Robious Road, indicating that she wants to remain consistent with what was done in that case. She stated a precedent for R-40 zoning has been set on Robious Road; therefore, she will support Mr. Barber's motion.

Mr. Miller called for a vote on the motion of Mr. Barber, seconded by Mrs. Humphrey, for the Board to deny Case 03SN0329.

Ayes: Miller, Barber, Humphrey and King.

Nays: None.

Absent: Warren.

04SN0223

In Bermuda Magisterial District, RANDOLPH V. ARTIS requests Conditional Use and amendment of zoning district map to permit a family daycare home in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51-4.0 units per acre. This request lies on 4.7 acres and

is known as 13710 Harrowgate Road. Tax ID 790-644-9659 (Sheet 34).

Ms. Rogers presented a summary of Case 04SN0223 and stated the Planning Commission and staff recommend approval subject to conditions.

Mr. Randolph Artis stated the recommendation is acceptable.

Mr. Miller called for public comment.

No one came forward to speak to the request.

On motion of Mr. King, seconded by Mrs. Humphrey, the Board approved Case 04SN0223 subject to the following conditions:

1. This Conditional Use shall be granted to and for Mr. and Mrs. Randolph V. Artis, exclusively, and shall not be transferable nor run with the land. (P)
2. There shall be no exterior additions or alterations to the existing structure to accommodate this use. (P)
3. There shall be no signs permitted to identify this use. (P)

Ayes: Miller, Barber, Humphrey and King.

Nays: None.

Absent: Warren.

Mr. Miller requested a ten-minute recess.

Reconvening:

16. PUBLIC HEARINGS

16.A. TO CONSIDER AMENDMENTS TO THE SUBDIVISION AND ZONING ORDINANCES RELATING TO CLARIFICATIONS AND CORRECTIONS OF VARIOUS SECTIONS OF THE ZONING AND SUBDIVISION ORDINANCES

Mr. William Poole stated this date and time has been advertised for a public hearing for the Board to consider amendments to the Subdivision and Zoning Ordinances relating to clarifications and corrections of various sections of the ordinances. He further stated that, subsequent to the Planning Commission's meeting, the Police and Planning Departments have had discussions relative to the amendment regarding home occupations and staff recommends that the Board defer action on Amendment 2(b) relative to home occupations until August 25, 2004.

Mr. Miller called for public comment.

No one came forward to speak to the ordinance amendments.

When asked, Mr. Poole stated schools built after December 15, 1993 were subject to new standards regarding the sale of alcoholic beverages near schools and are therefore not included in the list of schools in Amendment 1(j).

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board adopted the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY
OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING
AND RE-ENACTING THE FOLLOWING SECTIONS:

1. Changes reflecting clarification, correction and minor changes: 17-36 to delete the requirement for residential zoning prior to modifying existing subdivision lots with A zoning; 19-65, 19-102, 19-107.1 and 19-301 to improve ordinance formatting and clarity, yard sale restrictions are moved from definitions to restricted uses in R, R-TH and R-MF districts; 19-100 to clarify that the Board of Supervisors may grant permits for the location of manufactured homes in R-7 districts; 19-102 to clarify that a model home cannot be used as a rental office in R-TH districts; 19-144 and 19-145 to improve ordinance formatting, commercial parking lots are moved from permitted to restricted uses in C-1 districts; 19-145 to codify an interpretation permitting micro-breweries as accessory to restaurants; 19-159 to reformat standards for continuous outdoor display in C-3 districts; 19-172 and 19-173 to eliminate a duplicate listing of indoor recreation uses; to improve ordinance formatting, drive in theaters and truck terminals are moved from permitted to restricted uses in C-5 districts; 19-181 to reformat standards for utility uses and temporary mobile homes and to clarify that permitted and restricted uses in C-1 districts are restricted uses in I-1 districts; 19-227 to update the list of schools for which a nearby business needs a conditional use for the sale of alcoholic beverages due to school name changes and the demolition of a school; 19-301 to codify an interpretation that defines dry cleaning plants; 19-513 to reduce parking requirements for senior housing, assisted living, indoor sports field, warehousing, wholesale houses and distributors; 19-514 to permit flexibility for parking/vehicle stacking at day care centers; 19-638 to correct spelling in standards relative to banners.

2. Changes to development standards: 19-173 to permit utility truck and trailer sales, service and repair in addition to rental in C-5 districts; 19-301 to expand the amount of a building setback variance that may be granted by the director of planning; 19-555 to regulate setbacks for accessory buildings in R, R-TH, R-MF, MH and A districts by building height rather than number of stories; 19-637 to require signs on the interior of a building that are legible from outside to comply with same standards for window mounted; and 19-650 to require a business that closes to remove the entire above ground sign structure within twelve (12) months of closing.

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Sections 17-36, 19-65, 19-100, 19-102, 19-107.1, 19-144, 19-145, 19-159, 19-172, 19-173, 19-181, 19-227, 19-301, 19-513, 19-514, 19-555, 19-637, 19-638 and 19-650 of the Code of the County of Chesterfield, 1997, as amended, are amended and re-enacted to read as follows:

Sec. 17-36. Recordation of subdivision plat prior to compliance with zoning ordinance prohibited.

(a) Except as noted in sub-section (b), no plat for a lot subdivision shall be recorded unless the land is included within a residential, or townhouse residential zoning district, or is a residential use in a commercial zoning district as defined by chapter 19 of this Code.

(b) Lots within a subdivision that was previously recorded in an agricultural zoning district, may be resubdivided or amended provided no additional building lots are created.

Sec. 19-65. Uses permitted with certain restrictions.

The following uses shall be permitted in the R-88 District subject to compliance with the following conditions and other applicable standards of this chapter. If these restrictions cannot be met, these uses may be allowed by conditional use, subject to section 19-13:

o o o

(c) Yard sales, provided that the sale:

- (1) Is accessory to a principal use on the same property,
- (2) Does not exceed two days in duration,
- (3) Is conducted by the owner or lessee of the property on which it occurs and includes only personal property owned by the seller and usual to a household, and
- (4) Does not occur on the same property more than four times in any one calendar year and not more than twice within a 30-day period.

Sec. 19-102. Uses permitted with certain restrictions.

The following uses shall be permitted in the R-TH District subject to compliance with the following conditions and other applicable standards of this chapter. If these restrictions cannot be met, these uses may be allowed by conditional use, subject to section 19-13:

o o o

(c) Yard sales, provided that the sale:

- (1) Is accessory to a principal use on the same property,
- (2) Does not exceed two days in duration,
- (3) Is conducted by the owner or lessee of the property on which it occurs and includes only personal property owned by the seller and usual to a household, and

- (4) Does not occur on the same property more than four times in any one calendar year and not more than twice within a 30-day period.

Sec. 19-107.1. Uses permitted with certain restrictions.

The following uses shall be permitted in the R-MF District subject to compliance with the following conditions and other applicable standards of this chapter. If these restrictions cannot be met, these uses may be allowed by conditional use, subject to section 19-13:

o o o

- (b) Yard sales, provided that the sale:

- (1) Is accessory to a principal use on the same property,
- (2) Does not exceed two days in duration,
- (3) Is conducted by the owner or lessee of the property on which it occurs and includes only personal property owned by the seller and usual to a household, and
- (4) Does not occur on the same property more than four times in any one calendar year and not more than twice within a 30-day period.

Section 19-301. Definitions

o o o

Yard sale: A sale of personal property owned by the seller and usual to a household. The word "yard sale" includes garage sale, lawn sale, attic sale, rummage sale, or any similar casual sale of tangible property which is advertised by any means whereby the public at large is or can be made aware of the sale.

o o o

Section 19-100. Manufactured homes prohibited except under certain conditions.

The board of supervisors may grant a permit, with or without conditions, for the location of a temporary manufactured home in an R-7 District and the permit shall specify the location of such home on the premises and shall assure compliance with county health and sanitary requirements. The permit shall be valid for up to seven years. At the expiration of the time specified on the permit, an application may be made for renewal of the manufactured home permit.

Sec. 19-102. Uses permitted with certain restrictions.

The following uses shall be permitted in the R-TH District subject to compliance with the following conditions and other applicable standards of this chapter. If these restrictions cannot be met, these uses may be allowed by conditional use, subject to section 19-13:

- (a) Model homes, provided that:
 - (1) In addition to its permanent use as a dwelling, such home may be used as a temporary real estate office
 - (2) The temporary real estate office is only used to market the development in which the dwelling is located and:
 - a. Is not used for the sale of lots or houses outside of the platted subdivision in which it is located,
 - b. Is not used for the rental of homes outside of the platted subdivision in which it is located and/or
 - c. Is not used for a rental office for homes inside of the platted subdivision in which it is located except to market the homes when they are initially constructed
 - (3) The temporary real estate office is incidental to construction activity taking place in the development.
 - (4) The dwelling is not the primary real estate office for the company marketing the subdivision.
 - (5) The dwelling is not used as a construction office or for the storage of construction equipment and/or materials.

o o o

Sec. 19-144. Permitted uses by right.

Within any C-1 District, no buildings, structures or premises shall be used, arranged or designed to be used except for one or more of the following uses:

o o o

- (i) Convenience store.
- (j) Drugstore/pharmacy.
- (k) Dry cleaning, pick-up and drop-off; coin-operated dry cleaning; pressing; laundry and laundromat; not to include dry cleaning plants.
- (l) Florist shop.
- (m) Grocery store.
- (n) Hardware store.
- (o) Nursery schools and child or adult care centers and kindergartens.
- (p) Offices.

- (q) Restaurants, not including fast food or carry-out restaurants.
- (r) Shoe repair shop.
- (s) Shopping centers.
- (t) Tailoring and dressmaking shops.
- (u) Massage clinics.
- (v) Underground utility uses when such uses are located in easements or in public road rights-of-way, except as provided in section 19-145(a).
- (w) Video rental and sales store.

Sec. 19-145. Uses permitted with certain restrictions.

The following uses shall be permitted in the C-1 District subject to compliance with the following conditions and other applicable standards of this chapter. If the following restrictions cannot be met, these uses may be allowed by conditional use, subject to the provisions of section 19-13:

o o o

- (f) Commercial parking lots provided they are within the Ettrick Village Core.
- (g) Micro-breweries provided that:
 - (1) The use is accessory to a restaurant, and
 - (2) No odor or similar adverse impact from the use is evident on adjacent properties.

Sec. 19-159. Uses permitted with certain restrictions.

The following uses shall be permitted in the C-3 District subject to compliance with the following conditions and other applicable standards of this chapter. If the following restrictions cannot be met, these uses may be allowed by conditional use, subject to the provisions of section 19-13:

o o o

- (i) Continuous outside display of merchandise for sale, as accessory to a permitted use, provided that:
 - (1) merchandise shall be located under a covered pedestrian way that does not exceed 16 feet in width;
 - (2) no more than five percent of the gross floor area of the principal use shall be used for outside display purposes; and
 - (3) merchandise is displayed so that it does not obstruct pedestrian access.

o o o

Sec. 19-172. Permitted uses by right.

Within any C-5 District, no buildings, structures or premises shall be used, arranged or designed to be used, except for one or more of the following uses:

o o o

- (f) Wholesale trade of any products permitted to be sold at retail in this district.

Sec. 19-173. Uses permitted with certain restrictions.

The following uses shall be permitted in the C-5 District, subject to compliance with the following conditions and other applicable standards of this chapter. If the following restrictions cannot be met, these uses may be allowed by conditional use, subject to the provisions of section 19-13:

o o o

- (u) Drive-in theaters, provided they are located outside of the boundaries of the Eastern Midlothian Turnpike Corridor.
- (v) Truck terminals, provided they are located outside of the boundaries of the Eastern Midlothian Turnpike Corridor.

Sec. 19-181. Uses permitted with certain restrictions.

The following uses shall be permitted in the I-1 District subject to compliance with the following conditions and other applicable standards of this chapter. If the following restrictions cannot be met, these uses may be allowed by conditional use, subject to the provisions of section 19-13:

o o o

- (b) Uses permitted by right and with restrictions in the C-1 District, artist material and supply stores, health clubs, messenger or telegraph services and office supply stores provided that:

o o o

- (d) Public and private utility uses, so long as they require a structure, to include all water and waste water pumping stations; electric, gas, communications and natural gas, liquefied petroleum gas (LPG) and petroleum products transmission facilities; in addition, natural gas, liquefied gas and petroleum products transmission facilities above and below ground, provided that all such uses which are visible from adjacent R, R-TH, R-MF or O Districts or properties zoned Agricultural (A) and shown on the comprehensive plan as residential or office uses shall be:

- (1) enclosed within a structure having a style and character compatible with surrounding residential or office structures or
- (2) completely screened from view from such adjacent properties.

o o o

(g) One temporary mobile home, provided that:

- (1) a mobile home has been legally on the property within the past six months and
- (2) the board of supervisors grants a mobile home permit to allow the use to continue.

Section 19-227. Sale of alcoholic beverages near schools.

(a) Notwithstanding any provisions in this chapter to the contrary, a conditional use permit shall be required for all commercial establishments seeking to sell alcoholic beverages, as defined in Code of Virginia, § 4.1-100, for on-premises consumption, within 500 linear feet of a school that is owned or operated by the county and that is built after December 15, 1993.¹

¹This section does not apply to the following schools: Bailey Bridge Middle, Bellwood Elementary, Bensley Elementary, Bermuda Elementary, Beulah Elementary, L.C. Bird High, Bon Air Elementary (IDC), Bon Air (Primary) Elementary, Chalkley Elementary, Chester Middle, Chesterfield Community High, Chesterfield Technical, Clover Hill Elementary, Clover Hill High, Thelma Crenshaw Elementary, Crestwood Elementary, Curtis Elementary, A.M. Davis Elementary, Dupuy Elementary (Ettrick Annex), Ecoff Elementary, Enon Elementary, Ettrick Elementary, Evergreen Elementary, Falling Creek Elementary, Falling Creek Middle, Fulghum Center, O.B. Gates Elementary, W.W. Gordon Elementary, Grange Hall Elementary, Greenfield Elementary, Harrowgate Elementary, J. G. Henning Elementary, Hopkins Elementary, Jacobs Elementary, Manchester High, Manchester Middle, Matoaca Elementary, Old Matoaca High, Matoaca Middle, Meadowbrook High, Midlothian Elementary (Swift Creek Middle Annex), Midlothian Middle, Midlothian High, Monacan High, Perrymont Middle, Providence Elementary, Providence Middle, Reams Elementary, Robious Elementary, Robious Middle, Salem Elementary, Salem Middle, Alberta Smith Elementary, Swift Creek Elementary, Swift Creek Middle, Thomas Dale High, Union Branch Elementary, Union Grove Elementary, Vehicle Maintenance (Courthouse), Vehicle Maintenance (Walmsley), J.B. Watkins Elementary, C.C. Wells Elementary, Winterpock Elementary, Woolridge Elementary.

Section 19-301. Definitions.

o o o

Dry cleaning plant: A facility where clothes that have been dropped off at another location are taken for cleaning.

After cleaning, the clothes are typically returned to the drop off point for customer pick-up.

o o o

Sec. 19-513. Parking spaces required.

Except as provided for in section 19-608(a), the minimum number of parking spaces to be provided for each use shall be as follows:

<i>Use</i>	<i>Number of Spaces</i>
(a) Residential and Lodging:	
(1) Except as noted in subsections 2 and 3, dwellings, to include single-family, two-family, multifamily, townhouses and manufactured homes outside of MH-1 zoning districts	2 for each dwelling unit
(2) Dwellings, multifamily restricted to "housing for older persons" as defined in the Virginia Fair Housing Law with no persons under 19 years of age domiciled therein.	1.2 spaces for each dwelling unit
(3) Dwellings, multifamily assisted living	0.8 spaces for each dwelling unit
(4) Motels, hotels, boardinghouses	1 per bedroom
With lounges/restaurant	Add 1 per 150 square feet for such area
With meeting facilities	Add 1 per 3 seats for such area
(5) Rest homes and nursing homes	1 for each 4 beds
o o o	o o o
(e) Recreational:	
o o o	o o o
(7) Indoor athletic fields without spectator seating	45 spaces for each field
(8) Other indoor commercial recreational facilities	1 for each 200 square feet of gross floor area

- | | |
|--|--|
| (9) Go kart, bumper
boats and similar
facilities | 1 for each 3 boats/karts
that can be accommodated
on the track/water at
any one time |
| (10) Sports/play fields | 30 for each field |
| o o o | o o o |
| (h) Business and Industrial: | |
| o o o | o o o |
| (7) Warehousing,
wholesaling houses
and distributors | 1 per employee, plus 1
per 200 square feet of
gross floor area for
front counter sales and
stock area, plus 1 per
company vehicle (spaces
to be computed on
maximum numbers of
employees on-site at any
one time) |
| o o o | o o o |

Sec. 19-514. Design standards for off-street parking.

o o o

(e) *Stacking lane requirements.* Stacking space shall be provided for any use having drive-through facilities or areas having drop-off and pick-up areas. Stacking spaces shall have a minimum length of 18 feet. Stacking spaces shall conform to the parking setback for the district in which the use is located. Stacking spaces shall be designed so as not to impede on- and off-site traffic movement or movement into and out of parking spaces. Stacking spaces shall be separated from other internal driveways with raised medians, as deemed necessary for traffic movement or safety, at the time of site plan review. Stacking spaces shall be provided as follows:

o o o

- (2) *Nursery schools and child and adult care centers:* Parking areas and driveways for nursery schools and child and adult care center activities shall be designed to provide an area for drop-off and pick-up. This area shall be connected to the main building by a sidewalk so that children need not cross any driveway. Driveways, entrances and exits should be designed to maximize pedestrian safety.
- a. Where drop off and pick up is provided directly from vehicles, stacking space shall be provided.
 - b. Where drop off and pick up is not provided directly from vehicles, stacking space need not be provided if five (5) additional parking spaces are provided.
 - c. If school age children are cared for, a sidewalk shall be provided from the building

to an approved school bus pick-up and drop-off area.

o o o

Sec. 19-638. Banners.

Banners do not require sign permits and are allowed so long as:

o o o

- (b) A single banner not to exceed 50 square feet in area may be used to advertise a new business which has not installed its permanent signs, provided the banner is used for one time period not to exceed 30 consecutive days.

o o o

Sec. 19-173. Uses permitted with certain restrictions.

The following uses shall be permitted in the C-5 District, subject to compliance with the following conditions and other applicable standards of this chapter. If the following restrictions cannot be met, these uses may be allowed by conditional use, subject to the provisions of section 19-13:

o o o

- (t) Utility trailer and truck sales, service, repair and rental, provided that such use is not located in the Eastern Midlothian Turnpike Corridor.

Sec. 19-301. Definitions.

o o o

Variance, administrative: A variance from any building setback requirement which may be granted by the director of planning with the following restrictions:

- (1) The director of planning must find in writing that:
 - (a) The strict application of the ordinance requirement would produce undue hardship;
 - (b) Such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and
 - (c) The authorization of such variance will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by granting the variance.

o o o

Sec. 19-555. Required yards for accessory buildings and structures in R, R-TH, MH and A Districts.

Except as indicated in this section, the yard requirements for permitted uses shall apply to the accessory buildings and structures.

- (1) In R, MH-2 and A Districts and in R-TH Districts identified in section 19-106, detached accessory buildings less than 12 feet in height, accessory structures which have a roof or any structures specified in section 19-507(f) except amateur radio antennas in excess of 50 feet in height shall observe a side yard setback not less than half the required side yard for a permitted use; a front yard setback of the lesser of half the average depth of the lot or 80 feet; and a rear yard setback of not less than ten feet; except that an accessory building or structure which has a roof located on a through lot shall meet a rear yard setback of not less than 30 feet and an accessory building or structure which has a roof located on a corner lot shall observe a corner side yard setback not less than the required front yard setback for a permitted use.

o o o

- (3) In R, MH-2 and A Districts and lots in R-TH Districts identified in section 19-106, a detached accessory building having a height of 12 feet or greater shall observe an interior side yard not less than the side yard required for a permitted use; a rear yard setback of not less than half the required rear yard for a permitted use, except that a building located on a through lot shall meet a rear yard setback of not less than 30 feet; a corner side yard setback of not less than the front yard requirement for a permitted use; and a front yard setback the lesser of half the average lot depth or 80 feet.

o o o

Sec. 19-637. Limitation on specific signs.

o o o

- (q) Signs attached to, or visible through, doors or windows that are legible from outside the building shall not exceed 15 square feet or 25 percent of the total window and door area located on any one face of the building, whichever is less. Further, signs which are mounted on doors or windows shall be located within the top half of the door or window.

o o o

Sec. 19-650. Nonconforming and illegal signs.

o o o

- (h) A business that has closed shall be required to remove any onsite or offsite signs, including all structural

elements down to the ground level, associated with the business within 12 months of the date the business closed.

o o o

(2) That this ordinance shall become effective immediately upon adoption.

And, further, the Board deferred action on Amendment 2(b) relative to home occupations until August 25, 2004.

Ayes: Miller, Barber, Humphrey and King.

Nays: None.

Absent: Warren.

**16.B. TO CONSIDER AMENDMENTS TO THE TOWER SITING POLICY
AND RELATED CODE AMENDMENTS**

Ms. Darla Orr stated this date and time has been advertised for a public hearing for the Board to consider amendments to the Tower Siting Policy and related code amendments. She briefly reviewed the proposed amendments.

In response to Mr. Miller's questions, Ms. Orr stated currently a conditional use is required to co-locate on electrical transmission structures, and the proposed ordinance amendments will permit co-location by right subject to certain restrictions. She further stated tower heights of 150 feet are currently permitted in all areas of the county. She stated the cellular industry has expressed concerns that this height does not provide the necessary coverage in rural areas; therefore, staff is proposing to increase the permitted height from 150 feet to 300 feet in rural areas and in all other areas to 199 feet. She further stated screening requirements are not being amended.

In response to Mr. Barber's question, Ms. Orr stated 199-foot towers would not be permitted by right in any district - they would still require a conditional use and be considered on a case by case basis.

Mrs. Humphrey expressed concerns relative to permitting co-location on electrical transmissions by right because of the complexity of the issues involved.

Ms. Orr stated the majority of cases for co-locating towers on electrical transmission structures have not been controversial, and staff believes that permitting co-location by right subject to certain restrictions would be appropriate. She further stated substantial accord approval would still have to be sought for co-location requests even though a conditional use would no longer be necessary.

Mr. Miller called for public comment.

No one came forward to speak to the issue.

On motion of Mr. Barber, seconded by Mr. King, the Board adopted amendments to the Tower Siting Policy as recommended by the Planning Commission.

And, further, the Board adopted the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY
OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING
AND RE-ENACTING SECTIONS 19-65, 19-102, 19-107.1, 19-124,
19-131, 19-173, AND 19-181 AND ADDING SECTION 19-113.1
RELATING TO COMMUNICATIONS TOWERS ALLOWED IN RESIDENTIAL,
MANUFACTURED HOME, AGRICULTURAL, OFFICE, COMMERCIAL AND
INDUSTRIAL ZONING DISTRICTS SUBJECT TO CERTAIN RESTRICTIONS

BE IT ORDAINED by the Board of Supervisors of Chesterfield
County:

(1) That Sections 19-65, 19-102, 19-107.1, 19-124, 19-131,
19-173, and 19-181 of the Code of the County of Chesterfield,
1997, as amended, are amended and re-enacted and Section 19-
113.1 is added to read as follows:

DIVISION 4. R-88 RESIDENTIAL DISTRICT

o o o

Sec. 19-65. Uses permitted with certain restrictions.

The following uses shall be permitted in the R-88
District subject to compliance with the following conditions
and other applicable standards of this chapter. If these
restrictions cannot be met, these uses may be allowed by
conditional use, subject to section 19-13:

o o o

(d) Communications towers, provided that:

- (1) antennae are co-located on electric
transmission structures.
- (2) antennae are a flush-mount design and do not
exceed a height of twenty (20) feet above the
height of the electric transmission structure
and such height does not exceed the
limitations of sections 19-507 and 19-507.2.
- (3) antennae shall be gray or another neutral
color acceptable to the planning department.
- (4) any building or mechanical equipment shall
comply with Emerging Growth Area Development
Standards relative to architectural treatment
and screening of mechanical equipment.
- (5) at such time as the antennae ceases to be used
for communications purposes for a period
exceeding twelve (12) consecutive months, such
antennae shall be dismantled and it and all
associated equipment removed from the
property.

o o o

DIVISION 11. R-TH RESIDENTIAL-TOWNHOUSE DISTRICT

o o o

Sec. 19-102. Uses permitted with certain restrictions.

The following uses shall be permitted in the R-TH District subject to compliance with the following conditions and other applicable standards of this chapter. If these restrictions cannot be met, these uses may be allowed by conditional use, subject to section 19-13:

o o o

(c) Communications towers, provided that:

- (1) antennae are co-located on electric transmission structures.
- (2) antennae are a flush-mount design and do not exceed a height of twenty (20) feet above the height of the electric transmission structure and such height does not exceed the limitations of sections 19-507 and 19-507.2.
- (3) antennae shall be gray or another neutral color acceptable to the planning department.
- (4) any building or mechanical equipment shall comply with Emerging Growth Area Development Standards relative to architectural treatment and screening of mechanical equipment.
- (5) at such time as the antennae ceases to be used for communications purposes for a period exceeding twelve (12) consecutive months, such antennae shall be dismantled and it and all associated equipment removed from the property.

o o o

DIVISION 12. R-MF MULTIFAMILY RESIDENTIAL DISTRICT

o o o

Sec. 19-107.1. Uses permitted with certain restrictions.

The following uses shall be permitted in the R-MF District subject to compliance with the following conditions and other applicable standards of this chapter. If these restrictions cannot be met, these uses may be allowed by conditional use, subject to section 19-13:

o o o

(b) Communications towers, provided that:

- (1) antennae are co-located on electric transmission structures.
- (2) antennae are a flush-mount design and do not exceed a height of twenty (20) feet above the height of the electric transmission structure and such height does not exceed the limitations of sections 19-507 and 19-507.2.
- (3) antennae shall be gray or another neutral color acceptable to the planning department.

- (4) any building or mechanical equipment shall comply with Emerging Growth Area Development Standards relative to architectural treatment and screening of mechanical equipment.
- (5) at such time as the antennae ceases to be used for communications purposes for a period exceeding twelve (12) consecutive months, such antennae shall be dismantled and it and all associated equipment removed from the property.

o o o

DIVISION 13. MH-1 MANUFACTURED OR MOBILE HOME PARK DISTRICT

o o o

Sec. 19-113.1. Uses permitted with certain restrictions.

The following uses shall be permitted in the MH-1 District subject to compliance with the following conditions and other applicable standards of this chapter. If these restrictions cannot be met, these uses may be allowed by conditional use, subject to section 19-13:

(a) Communications towers, provided that:

- (1) antennae are co-located on electric transmission structures.
- (2) antennae are a flush-mount design and do not exceed a height of twenty (20) feet above the height of the electric transmission structure and such height does not exceed the limitations of sections 19-507 and 19-507.2.
- (3) antennae shall be gray or another neutral color acceptable to the planning department.
- (4) any building or mechanical equipment shall comply with Emerging Growth Area Development Standards relative to architectural treatment and screening of mechanical equipment.
- (5) at such time as the antennae ceases to be used for communications purposes for a period exceeding twelve (12) consecutive months, such antennae shall be dismantled and it and all associated equipment removed from the property.

o o o

DIVISION 15. A AGRICULTURAL DISTRICT

o o o

Sec. 19-124. Uses permitted with certain restrictions.

The following uses shall be permitted in the A District subject to compliance with the following conditions and other

applicable standards of this chapter. If the following restrictions cannot be met, these uses may be allowed by conditional use, subject to section 19-13:

(a) Access to any land located in an office, business or industrial district or used for an office, business or industrial purpose, provided that the property is designated for office, business or industrial use on the comprehensive plan.

(b) Family day-care homes provided that no more than five children exclusive of the provider's own children and children who reside in the home receive care at any one time during a 24-hour day.

(c) Stock or dairy farms, including all buildings and structures necessary to such use and the keeping, storage or operation of any vehicle or machinery necessary to such use, provided that the lot or parcel has at least three acres.

(d) Communications towers, provided that:

- (1) antennae are co-located on electric transmission structures.
- (2) antennae are a flush-mount design and do not exceed a height of twenty (20) feet above the height of the electric transmission structure and such height does not exceed the limitations of sections 19-507 and 19-507.2.
- (3) antennae shall be gray or another neutral color acceptable to the planning department.
- (4) any building or mechanical equipment shall comply with Emerging Growth Area Development Standards relative to architectural treatment and screening of mechanical equipment.
- (5) at such time as the antennae ceases to be used for communications purposes for a period exceeding twelve (12) consecutive months, such antennae shall be dismantled and it and all associated equipment removed from the property.

o o o

DIVISION 16. O-1 NEIGHBORHOOD OFFICE DISTRICT

o o o

Sec. 19-131. Uses permitted with certain restrictions.

The following uses shall be permitted in the O-1 District subject to compliance with the following conditions and other applicable standards of this chapter. If the following restrictions cannot be met, these uses may be allowed by conditional use, subject to section 19-13:

o o o

(i) Communications towers, provided that:

- (1) antennae are co-located on electric transmission structures.
- (2) antennae are a flush-mount design and do not exceed a height of twenty (20) feet above the height of the transmission structure supporting the high tension electrical transmission lines and such height does not exceed the limitations of sections 15-507 and 19-507.2.
- (3) antennae shall be gray or another neutral color acceptable to the planning department.
- (4) at such time as the antennae ceases to be used for communications purposes for a period exceeding twelve (12) consecutive months, such antennae shall be dismantled and it and all associated equipment removed from the property.

o o o

DIVISION 22. C-5 GENERAL BUSINESS DISTRICT

o o o

Sec. 19-173. Uses permitted with certain restrictions.

The following uses shall be permitted in the C-5 District, subject to compliance with the following conditions and other applicable standards of this chapter. If the following restrictions cannot be met, these uses may be allowed by conditional use, subject to the provisions of section 19-13:

o o o

(f) Communication towers, provided that such use is not located in the Eastern Midlothian Turnpike Corridor, except as specified in 19-131(i).

o o o

DIVISION 23. I-1 LIGHT INDUSTRIAL DISTRICT

o o o

Sec. 19-181. Uses permitted with certain restrictions.

The following uses shall be permitted in the I-1 District subject to compliance with the following conditions and other applicable standards of this chapter. If the following restrictions cannot be met, these uses may be allowed by conditional use, subject to the provisions of section 19-13:

o o o

(b) Uses permitted in the C-1 District, artist material and supply stores, health clubs, messenger or telegraph services and office supply stores provided that: (1) such uses shall only be permitted in projects of 25 acres or more;

(2) at no time shall such uses exceed 30 percent of the gross floor area under construction or occupied by permitted uses in such projects; (3) such uses are located internally to the project, not along any road on the periphery of the project; and (4) shall be primarily for the convenience of the employees of the industrial uses.

(c) Communication towers, provided that the structure is architecturally incorporated into the design of a building.

(d) Communication towers, provided that:

- (1) antennae are co-located on electric transmission structures.
- (2) antennae are a flush-mount design and do not exceed a height of twenty (20) feet above the height of the transmission structure supporting the high tension electrical transmission lines and such height does not exceed the limitations of sections 15-507 and 19-507.2.
- (3) antennae shall be gray or another neutral color acceptable to the planning department.
- (4) at such time as the antennae ceases to be used for communications purposes for a period exceeding twelve (12) consecutive months, such antennae shall be dismantled and it and all associated equipment removed from the property.

(e) Schools--commercial, trade, music, dance, business, vocational and training, provided they are located on the interior of the project and not along roads located on the periphery of the project.

(f) Public and private utility uses, so long as they require a structure, to include all water and waste water pumping stations; electric, gas, communications and natural gas, liquefied petroleum gas (LPG) and petroleum products transmission facilities; in addition, natural gas, liquefied gas and petroleum products transmission facilities above and below ground, provided that all such uses which are visible from adjacent R, R-TH, R-MF or O Districts or properties zoned Agricultural (A) and shown on the comprehensive plan as residential or office uses shall be enclosed within a structure having a style and character compatible with surrounding residential or office structures or shall be completely screened from view from such adjacent properties.

(g) Satellite dishes, provided that:

- (1) The dishes are accessory to a principal use; and
- (2) The diameter of the dish does not exceed 12 feet.

(h) Wholesale greenhouses, hot houses and nurseries provided that nothing except plant materials is stored

outside of a completely enclosed building.

(i) One temporary mobile home, provided that a mobile home has been legally on the property within the past six months and the board of supervisors grants a mobile home permit to allow the use to continue.

o o o

(2) That this ordinance shall become effective immediately upon adoption.

And, further, the Board adopted the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY
OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING
AND RE-ENACTING SECTION 19-507 AND ADDING SECTION
19-507.2 RELATING TO HEIGHT EXEMPTIONS AND LIMITATIONS
FOR COMMUNICATION TOWERS

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Section 19-507 of the Code of the County of Chesterfield, 1997, as amended, is amended and re-enacted and Section 19-507.2 is added to read as follows:

ARTICLE VII. DEVELOPMENT STANDARDS MANUAL

DIVISION 1. DEVELOPMENT STANDARDS

Subdivision I. General Provisions - Countywide

o o o

Sec. 19-507. Height exemptions and limitations.

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(f) Except for the height limits set forth in this section and the limitations of section 19-507.1 and 19-507.2, no other height limitation specified in the zoning ordinance shall apply to church spires, belfries, cupolas, domes, heat transfer units, tanks, monuments, water towers, chimneys, flues, amateur radio antennas, radio or television antennas, or similar structures having an aggregate area less than 25 percent of the ground floor building area; to the parapet walls or bulkheads extending not more than four feet above the limiting height of the building; or to grain elevators, derricks or other necessary industrial, utility or public service structures; provided that no such structure shall exceed a height as noted in the following chart:

TABLE INSET:

<i>District</i>	<i>Height</i>	<i>Comments</i>
A	150	Subject to the required yards specified in section 19-555(1) for accessory buildings and structures. No structure shall penetrate the floor of any of the zones noted in this section.

R or R-TH	50*	Subject to the required yards specified in section 19-555(1) for accessory buildings and structures. No structure shall penetrate the floor of any of the zones noted in this section. * Amateur radio antennas may be increased to a height of 75 feet in R and R-TH Districts subject to the yard requirements specified in section 19-555(1).
R-MF, O-1, or C-1	75	Subject to the required yards for principal structures of the respective zoning district. No structure shall penetrate the floor of any of the zones noted in this section.
Any other district	150	Subject to the required yards for principal structures of the respective zoning district. No structure shall penetrate the floor of any of the zones noted in this section.

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Section 19-507.2. Height exemptions and limitations - all districts.

In areas designated on the Comprehensive Plan for rural conservation use, the height of communications towers may be increased to a height of 300 feet and in all other areas may be increased to a height of 199 feet. These increases in height are subject to yard requirements of the specific districts in which the communications towers are located.

(2) That this ordinance shall become effective immediately upon adoption.

Ayes: Miller, Barber and King.

Nays: Humphrey.

Absent: Warren.

Mrs. Humphrey noted she did not support the amendments because she does not support co-location on electrical transmission structures by right.

16.C. TO CONSIDER: FY2005 THROUGH FY2010 SECONDARY ROAD SIX-YEAR IMPROVEMENT PLAN; FY2005 SECONDARY ROAD IMPROVEMENT BUDGET; PROJECT DEVELOPMENT SCHEDULES FOR CHESTERFIELD ROAD FUND, REGIONAL SURFACE TRANSPORTATION PROGRAM FUND, AND CONGESTION MITIGATION AIR QUALITY FUND; DESIGNATION OF FY2005 CHESTERFIELD ROAD FUND PROJECTS AND FY2004 SUPPLEMENTAL CHESTERFIELD ROAD FUND PROJECT; AND TRANSFER OF FUNDS

Mr. McCracken recognized Mr. Dale Totten, Mr. Kerry Bates and Mr. Don Pierce from the Virginia Department of Transportation (VDOT), who were present at the meeting.

Mr. Totten stated he looks forward to working with the Board as VDOT's new Resident Engineer for Chesterfield County.

Mr. McCracken stated this date and time has been advertised for a public hearing for the Board to consider the FY2005 through FY2010 Secondary Road Six-Year Improvement Plan; FY2005 Secondary Road Improvement Budget; Project Development Schedules for Chesterfield Road Fund, Regional Surface Transportation Program Fund, and Congestion Mitigation Air Quality Fund; designation of FY2005 Chesterfield Road Fund Projects and FY2004 Supplemental Chesterfield Road Fund Project; and transfer of funds. He reviewed secondary road allocation forecasts through 2010 and stated the most recent revenue forecasts received by the county indicate that the secondary road budget could be as low as \$4.5 million by 2010. He then reviewed Six-Year Plan allocation changes; project costs versus revenues; 2004 typical construction cost/mile; and secondary road projects to be built in the Six-Year Plan (FY05-FY10). He stated, as a result of the recently received allocation forecasts, staff recommends delay of funding for the Spring Run Road Project for one year; approval of the FY2005 Secondary Road Improvement budget with changes presented; and approval of the Six-Year Plan, with modifications noted by staff. He noted staff will bring a revised Six-Year Plan back to the Board in the Fall of 2004 when the impacts of the most recent VDOT forecasts can be incorporated.

Mrs. Humphrey inquired how the road projects proposed as congestion mitigation air quality (CMAQ) projects qualified for the funding.

Mr. McCracken stated CMAQ funding is typically used for sidewalks, landscaping and construction of turn lanes. He further stated CMAQ funds have been used for a number of years for the Halloway Avenue Sidewalk Project and have also assisted with both the Kingsdale/Chester Road and Courthouse Road Projects. He stated that last year, CMAQ funds that had been allocated for intersection improvement projects was reprogrammed to help finance the LINK.

Mr. Miller called for public comment.

Ms. Christine Gove, a resident of the Matoaca District, stated Chesterfield County is overdue for public transportation, indicating that the roads are overcrowded and many are in need of redesign. She further stated the county cannot tax enough or borrow enough to solve its road problems. She stated she believes mass transportation is a simple way to solve this problem.

Mr. C. D. Hylton, a resident of the Midlothian District, stated he believes the expenditure proposals for the Secondary Road Six-Year Plan fail to provide a balanced comprehensive approach to the county's chronic transportation problems. He further stated LINK took hundreds of automobiles off the county's highways on a daily basis. He expressed concerns that Chesterfield appoints one-half of the Greater Richmond Transportation Company's (GRTC) Board of Directors, yet fails to allow county residents to benefit from GRTC services. He stated CMAQ was created to fund projects such as the LINK, indicating that this would provide

a balanced approach to solving the county's transportation issues.

Ms. Anna Marie Snell, a resident of the Matoaca District, expressed concerns that the Board is considering issuing bonds to meet the transportation needs of the county. She stated it is ridiculous to think that the county can overcome deplorable traffic conditions and intolerable air pollution with additional roads. She further stated public transportation is a simple tool that will improve both traffic congestion and air quality and requested that the Board make funding of the LINK a priority.

Ms. Carolyn Baldwin stated she was very disappointed to lose the LINK service. She requested that the Board listen to the citizens and make public transportation a funding priority.

Ms. Becky Clark, a resident of the Matoaca District, stated neither the county nor VDOT has the resources to build enough new roads to accommodate growth. She further stated using CMAQ and other available funds for public transportation is a sensible alternative to help relieve the traffic conditions on Chesterfield roads. She requested that the Board give highest priority to public transportation for the use of CMAQ funds.

Ms. Evelyn Guess, a Clover Hill District resident, requested that the county use its CMAQ funding for the maximum benefit of all Chesterfield citizens, indicating that public transportation would not only benefit the environment by reducing emissions, but also reduce road congestion. She further stated that building more roads and expanding existing roads is not the answer to the county's traffic congestion problem.

Ms. Christy Mears, a resident of the Matoaca District, stated Chesterfield is the largest community of its size in the United States without a mass transit program. She stated mass transportation significantly reduces air pollution and challenged the Board to make mass transportation a reality with CMAQ funds and to use them where they will have the greatest impact for all Chesterfield residents.

Ms. Miranda Pearson, a Foxcroft resident, expressed concerns that the county's infrastructure is inadequate to handle the growth already in place. She stated she is frustrated because she does not believe the Board is listening to citizens' concerns.

Mr. Gary Shaver requested that funds be provided to extend Evelyn Drive approximately 500 feet to connect with Laughter Lane in Bryan Ridge Subdivision.

There being no one else to speak to the issue, the public hearing was closed.

Mrs. Humphrey suggested that Mr. Shaver meet with Mr. McCracken to determine if the right of way is available to make the connection he has requested. She thanked the residents who spoke in support of public transportation. She stated the Board has always agreed, with respect to public transportation, that the state had to match funds, noting that the state discontinued funding for the LINK in this

year's budget. She expressed concerns that VDOT has not completed its commitment to widen Hull Street.

Mrs. Humphrey then made a motion for the Board to amend its Six-Year Plan to add some public transportation funding.

Mr. Barber seconded the motion for the purpose of discussion only. He stated the LINK evolved as a pilot program to determine whether the public would use the service. He further stated, at the time the LINK evolved two years ago, the Board indicated it would not fund the service if the state failed to do so because of other imminent needs. He stated the county scraped together enough funding from other projects to conduct the pilot for another year when the state decreased its funding of the LINK. He further stated the LINK's ridership does not warrant the expenditure, indicating that you cannot pry people out of their cars. He stated he cannot vote today to expend on public transportation because the two-year pilot program has not reflected the need and benefit of the service to the community.

Mr. King stated Bermuda District residents have overwhelmingly backed his position not to support the LINK, which has been consistent since before the pilot program ever began. He further stated he believes the county will need public transit some day, and he will be an advocate for it when it is done properly. He stated he disagrees that the LINK was a service afforded to all county citizens, indicating that it was not available in the Matoaca and Ettrick areas or to many areas in the Bermuda District.

Mr. Miller stated he did not support the pilot program, indicating that he knew the state would not continue to fund the program. He further stated the county has adopted a new transportation program that will aid its disabled and elderly residents. He stated he will not support Mrs. Humphrey's motion.

Mr. Miller then called for a vote on the motion of Mrs. Humphrey, seconded by Mr. Barber, for the Board to amend its Six-Year Plan to add some public transportation funding.

Aye: Humphrey
Nays: Miller, Barber and King.
Absent: Warren.

On motion of Mr. Barber, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, the Chesterfield County Board of Supervisors and the Virginia Department of Transportation (VDOT) have conducted a public hearing on the FY2005 through FY2010 Secondary Road Six Year Improvement Plan; and

WHEREAS, the Board concurs with the proposed projects identified in the Plan.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors approves the FY2005 through FY2010 Six Year Secondary Road Improvement Plan as presented by VDOT, with modifications noted by staff.

And, further, the Board adopted the following resolution:

WHEREAS, the Virginia Department of Transportation (VDOT) has submitted its proposed FY2005 Secondary Road Improvement Budget to the county; and

WHEREAS, the Budget represents the implementation of the first year of the FY2005 through FY2010 Six Year Improvement Plan adopted by the Board.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors approves the FY2005 Secondary Road Improvement Budget as presented by VDOT, with modifications noted by staff.

And, further, the Board adopted the following resolution:

WHEREAS, Section 33.1-75.1 of the Code of Virginia permits the Commonwealth Transportation Board to make an equivalent matching allocation to any county for designation by the governing body of up to \$500,000 of funds received by it during the current fiscal year pursuant to the "State and Local Fiscal Assistance Act of 1972" for use by the Commonwealth Transportation Board to construct, maintain, or improve primary and secondary highway systems within such county; and

WHEREAS, the Chesterfield County Board of Supervisors has appropriated \$500,000 for the Chesterfield Road Fund with the adoption of the FY05 Appropriation Resolution; and

WHEREAS, the Virginia Department of Transportation (VDOT) has notified the county that \$481,559 is the maximum amount of Chesterfield County funds that will be matched by the state during FY05.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors appropriates \$500,000 for the FY05 Chesterfield Road Fund (Revenue Sharing Program).

BE IT FURTHER RESOLVED, that the matched funds shall be allocated to the following projects:

\$204,740 Matoaca Road/Woodpecker Road Preliminary Engineering, Right-of-way, and Construction (\$102,370 VDOT and \$102,370 county)

\$776,819 Newbys Bridge Road east of Qualla Road Preliminary Engineering, Right-of-way and Construction (\$379,189 VDOT and \$397,630 county)

And, further, the Board adopted the following resolution:

WHEREAS, Section 33.1-75.1 of the Code of Virginia permits the Commonwealth Transportation Board to make an equivalent matching allocation to any county for designations by the governing body of up to \$500,000 of funds for use by the Commonwealth Transportation Board to construct, maintain, or improve primary and secondary highway systems within such county; and

WHEREAS, the Virginia Department of Transportation (VDOT) has notified the county that \$110,021 is the maximum

amount of Chesterfield County funds that will be matched by the state as a supplemental FY2004 allocation.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors has allocated \$110,021 from the General Road Improvements Account for the FY2004 Supplemental Allocation Program and requests VDOT to provide an equivalent match.

AND, BE IT FURTHER RESOLVED, that the FY2004 Supplemental Matched Funds be allocated for the following project:

\$220,042 Newbys Bridge Road east of Qualla Road
Preliminary Engineering, Right-of-way and
Construction
(\$110,021 VDOT and \$110,021 county)

And, further, the Board designated the FY2005 Road Fund Project Account as follows: \$102,370 for the Matoaca Road/Woodpecker Road Project and \$397,630 for the Newbys Bridge Road east of Qualla Road Project after July 1, 2004.

And, further, the Board transferred \$110,021 from the General Road Improvement Account to the Newbys Bridge Road east of Qualla Road Project.

And, further, the Board approved the FY2005 through FY2010 Chesterfield Road Fund Project Development Schedule, the FY2005 through FY2010 Regional Surface Transportation Project Development Schedule, and the FY2005 through FY2010 Congestion Mitigation Air Quality Transportation Project Development Schedule.

And, further, the Board authorized the County Administrator to enter into the customary Virginia Department of Transportation/county/consultant/contractor, design, right-of-way acquisition, and/or construction agreements, acceptable to the County Attorney, for the projects indicated in the Plan.

Ayes: Miller, Barber, Humphrey and King.

Nays: None.

Absent: Warren.

**16.D. TO CONSIDER THE APPROPRIATION OF FUNDS IN EXCESS CELL
PHONE REVENUE FOR PER DIEM PAYMENTS AT THE RIVERSIDE
REGIONAL JAIL**

Ms. Dickson stated this date and time has been advertised for a public hearing for the Board to consider the appropriation of funds in excess cell phone revenue for per diem payments at the Riverside Regional Jail.

Mr. Miller called for public comment.

No one came forward to speak to the issue.

On motion of Mrs. Humphrey, seconded by Mr. King, the Board approved the appropriation of \$775,000 in excess cell phone revenue to offset the anticipated shortfall in the Riverside Regional Jail budget for per diem payments.

Ayes: Miller, Barber, Humphrey and King.

Nays: None.

Absent: Warren.

16.E. TO CONSIDER AMENDMENTS TO FY2005 COUNTY AND SCHOOL BUDGETS

Ms. Dickson stated this date and time has been advertised for a public hearing for the Board to consider amendments to the FY2005 county and school budgets.

Mr. Miller called for public comment.

No one came forward to speak to the issue.

On motion of Mr. Barber, seconded by Mr. King, the Board approved amendments to the FY2005 county budget, totaling \$6,075,900 and amendments to the FY2005 school budget totaling \$9,921,500, and appropriated the funds.

Ayes: Miller, Barber, Humphrey and King.

Nays: None.

Absent: Warren.

17. REMAINING MOBILE HOME PERMITS AND ZONING REQUESTS

There were no remaining mobile home permits or zoning requests at this time.

18. ADJOURNMENT

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board adjourned at 9:55 p.m. until June 25, 2004 at 12:00 p.m. for a Growth Management Work Session at Virginia State University.

Ayes: Miller, Barber, Humphrey and King.

Nays: None.

Absent: Warren.

Lane B. Ramsey
County Administrator

Kelly E. Miller
Chairman